



9-21-2012

Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?

Lori Berman Ph.D.

Heather Bock Ph.D.

Follow this and additional works at: <http://digitalcommons.law.scu.edu/lawreview>

Recommended Citation

Lori Berman Ph.D. and Heather Bock Ph.D., Other, *Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?*, 52 SANTA CLARA L. REV. 875 (2012).

Available at: <http://digitalcommons.law.scu.edu/lawreview/vol52/iss3/5>

This Other is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

DEVELOPING ATTORNEYS FOR THE FUTURE: WHAT CAN WE LEARN FROM THE FAST TRACKERS?

Lori Berman, Ph.D.* and Heather Bock, Ph.D.**

With assistance from Juliet Aiken, Ph.D.***

Introduction

- I. The Case for Competencies
- II. Personality Traits: Digging Below Competencies
 - A. Locus of Control
 - B. Self-Efficacy
 - C. Learning Orientation and Achievement Orientation
 - D. Drivers of Performance
- III. Methodology
- IV. Performance
- V. Competencies
 - A. Technical Competencies
 - B. Behavioral Competencies
- VI. Personality Traits
- VII. Interviews

* Lori Berman, Adjunct Professor and Research Affiliate of the Center for the Study of the Legal Profession at Georgetown Law; Director of Professional Development, Hogan Lovells US LLP | B.A., Cornell University | M.A., Ph.D. Industrial and Organizational Psychology, University of Maryland | lmb222@law.georgetown.edu.

** Heather Bock, Visiting Professor of Law and Executive Director for the Center of the Study of the Legal Profession at Georgetown Law; Chief Professional Development Officer, Hogan Lovells US LLP | B.S., Ph.D. Organizational Behavior, MPH, University of North Carolina, Chapel Hill | Recipient of the HR Leadership Award of Greater Washington and the Chief Learning Officer Vanguard Award for work in the legal industry | heb29@law.georgetown.edu.

*** Juliet Aiken, Deputy Director of the Center for the Study of the Legal Profession, Georgetown Law | B.S., College of William and Mary | Cert. in Measurement, Statistics, & Evaluation, University of Maryland | M.S., Ph.D., University of Maryland | jra76@law.georgetown.edu.

Together we would like to thank Yadankush Getinet, who provided critical help with this research effort. We would also like to thank Mitt Regan, whose careful review and commentary greatly enhanced the Article.

VIII. Analysis

IX. Results

- A. High Performers: Competencies
- B. High Performers: Personality Traits
- C. High Performers: An Integrated Model of Attorney Success
 - 1. Mindset and Philosophy
 - 2. Managing the Work Environment and Results
 - 3. Working and Collaborating with Others

X. Summary of Findings

INTRODUCTION

Leaders in law firms tend to be those attorneys who thrive in a law firm environment from the beginning—successful associates who become successful partners. Later, they are asked to be the leaders of practice areas, committees and, ultimately, part of senior management. While high-performing associates may not be formally promoted to leadership positions for some time, it is important to understand what makes them—as young associates—stand out from their peers. Who are these future leaders, and what qualities predict their advancement in a law firm environment? These are the questions we set out to explore.

To date, little empirical work exists on the characteristics and behaviors of high-potential associates—how to recognize them from the beginning and how to develop them. Instead, law students continue to be hired most commonly based on the law school they attended¹ and their GPA,² under the assumption that law school and GPA are related to future performance as an attorney. Transcript and resume review are typically accompanied by a series of thirty-minute interviews consisting of questions that vary from candidate to candidate.³ Consequently, hiring decisions result from a combination of the reputation of the law school attended, GPA, and the interviewing partners' gut feeling.

1. See Robert Granfield & Thomas Koenig, *Pathways into Elite Firms: Professional Stratification and Social Networks*, 4 RES. IN POL. & SOC'Y 325, 327–28 (1992).

2. See Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 459 (2004).

3. See Annette Dutton, *How to Hire the Right People*, 5 NO. 15 LAWYERS J. 6 (2003).

I. THE CASE FOR COMPETENCIES

Recently, however, law firms have begun to recognize that knowledge, GPA, and attending a high-status law school are not enough to predict success as an attorney. This realization has led to more of a focus on “competencies” and their impact on job performance. Competencies are typically defined as observable behaviors that are essential for carrying out job responsibilities; they relate to how work gets done, rather than the work result itself.⁴ Further, two different types of competencies are discussed in the literature: general, or behavioral competencies, and specialized, or technical competencies. Specialized, or technical, competencies are job-specific behaviors, skills, and knowledge someone needs to demonstrate to be viewed as successful in a given job or job family;⁵ examples of technical competencies for lawyers are written advocacy, legal research, and fact-analysis skills. In a trial firm, mastery of key trial skills would also be considered a core technical skill. Behavioral competencies are more general behaviors, skills, and abilities that apply across job families,⁶ such as leadership, teamwork, communication, and project management skills. While intelligence and knowledge of the law are one set of important skills for lawyers, getting work done in teams or across departments often requires a number of both behavioral and technical competencies. To this end, some firms have initiated evaluation and compensation systems that are based on acquisition of the competencies needed for high performance on the job.⁷

Similarly, empirical research conducted across many occupations has shown an established link between competencies and academic performance,⁸ work performance,⁹

4. See Emil Rodolfa et al., *A Cube Model for Competency Development: Implications for Psychology Educators and Regulators*, 36 PROF. PSYCHOL.: RES. & PRAC. 347, 348–49 (2005).

5. See *id.* at 349.

6. See *id.*

7. See Heather Bock & Lori Berman, *Learning and Billable Hours—Can They Get Along?*, 65 T+D 56, 58 (2011).

8. See Ryan D. Zimmerman et al., *Predictive Criterion-Related Validity of Observer Ratings of Personality and Job-Related Competencies Using Multiple Raters and Multiple Performance Criteria*, 23 HUM. PERFORMANCE 361 (2010).

9. See Ioannis Nikolaou, *Fitting the Person to the Organisation: Examining the Personality-Job Performance Relationship From a New Perspective*, 18 J.

and expatriate performance.¹⁰ This research indicates that behavioral competencies—such as leadership, interpersonal, task-oriented, and communication-related competencies, rather than technical competencies that are unique to a particular industry or occupation—tend to have a high impact on work performance. Consequently, across a number of industries, there is recognition that both technical competencies and behavioral competencies are critical for high performance. However, the relationship between competencies and performance in big law firms has not yet been adequately explored, as evidenced by the limited empirical research on this relationship in law firms.¹¹

II. PERSONALITY TRAITS: DIGGING BELOW COMPETENCIES

In addition to the impact of competencies on performance, current research suggests that understanding other individual differences, such as personality traits, is critical to predicting both competencies and performance. Personality traits differ from competencies in that these traits are considered to be relatively stable dispositions, or habitual patterns of behavior, thought, and emotion that differ across individuals and influence behavior.¹² Like competencies, personality traits have been linked to performance,¹³ especially in jobs where interpersonal interaction is required.¹⁴ Consistent with this perspective, psychologists have long found that people's thoughts influence their feelings and behaviors.¹⁵ In our study, we were particularly interested in exploring the extent to which four personality traits—locus of control, self-efficacy, learning orientation, and achievement orientation—are related to

MANAGERIAL PSYCHOL., 639 (2003).

10. See Margaret A. Shaffer et al., *You Can Take It with You: Individual Differences and Expatriate Effectiveness*, 91 J. APPLIED PSYCHOL. 109 (2006).

11. See, e.g., Marjorie M. Shultz & Sheldon Zedeck, *Final Report: Identification, Development, and Validation of Predictors for Successful Lawyering*, 2008, available at <http://ssrn.com/abstract=1353554>.

12. See SAUL KASSIN, PSYCHOL. 605–06 (Leah Jewell et al. eds., 4th ed. 2003).

13. See Graham P. Tyler & Peter A. Newcombe, *Relationship Between Work Performance and Personality Traits in Hong Kong Organizational Settings*, 14 INT'L J. SELECTION & ASSESSMENT 37 (2006).

14. See Nikolaou, *supra* note 9.

15. See Albert Bandura, *Self-Efficacy*, in 4 ENCYCLOPEDIA OF HUMAN BEHAVIOR 71 (Vilayanur S. Ramachandran ed., Academic Press 1994).

associates' competencies and performance in a law firm. These personality traits, like most personality assessments, are typically identified through questionnaires.

A. *Locus of Control*

Locus of control represents individuals' beliefs that they can influence their own environment.¹⁶ Specifically, people with a high *internal locus of control* feel they have a great deal of influence over their environment.¹⁷ Conversely, people with a high *external locus of control* feel that they have no impact on the environment, but rather that external forces affect them.¹⁸ In a law firm, this is likely to mean that attorneys with a high internal locus of control will continue striving to complete a challenging assignment, since they would consider success on that assignment to stem mainly from their effort and intelligence. Attorneys with a high external locus of control may feel that their skills cannot help them to overcome external obstacles, and would consider success on an assignment to result from luck or the impact of other people, rather than from their own skills. Thus, they may be less persistent in attempting to achieve a task in the face of difficulties.

B. *Self-Efficacy*

Self-efficacy refers to people's beliefs in their own ability to perform highly across a number of contexts.¹⁹ Self-efficacy beliefs determine how people feel, think, motivate themselves, and behave.²⁰ People who are high on self-efficacy feel that they can succeed at whatever is placed in front of them, such as difficult work assignments.²¹ Consequently, attorneys with high self-efficacy have confidence that allows them to set challenging goals, maintain strong commitment to them, and sustain their

16. See HERBERT M. LEFCOURT, *LOCUS OF CONTROL: CURRENT TRENDS IN THEORY AND RESEARCH* 46–47 (2nd ed. 1976).

17. See *id.* at 54–55.

18. See *id.*

19. See Timothy A. Judge & Joyce E. Bono, *Relationship of Core Self-Evaluations Traits—Self-Esteem, Generalized Self Efficacy, Locus of Control, and Emotional Stability—with Job Satisfaction and Job Performance: A Meta-Analysis*, 86 J. APPLIED PSYCHOL. 80 (2001).

20. See Bandura, *supra* note 15.

21. See *id.*

efforts in the face of failure. Conversely, attorneys with low self-efficacy, when assigned a new or challenging task, are more likely to doubt their own ability to successfully complete this task. Thus, such individuals are likely to reduce their efforts and give up quickly when faced with obstacles.

C. Learning Orientation and Achievement Orientation

Learning orientation is the extent to which people approach tasks from a learning perspective, where the goal is to develop and grow.²² Achievement orientation is the extent to which people approach tasks from an achievement perspective, where the goal is to perform as highly as possible.²³ For example, attorneys approaching success from the perspective of winning a case or receiving high reviews would be considered high in achievement orientation, as they are focused primarily on the outcome. An attorney low in achievement orientation, on the other hand, is likely to be less focused on attaining a desirable outcome while completing the task, and may instead simply be focused on just getting it done. Attorneys approaching success from the perspective of learning and developing new skills would be considered higher in learning orientation, as they are focused primarily on the process of development. So, for those with a high learning orientation, a mistake might be seen as something to learn from and a growth opportunity, rather than a personal failure. Conversely, for attorneys with a low learning orientation, a mistake is more likely to be taken as a failure.

D. Drivers of Performance

Individually, each of these workplace-related personality traits has been linked to performance. Specifically, an analysis of a number of empirical papers reveals that both locus of control and self-efficacy are strongly tied to job performance.²⁴ Internal locus of control has been found to predict performance, job dedication, and interpersonal competencies above and beyond both cognitive ability and

22. See Carol S. Dweck, *Motivational Processes Affecting Learning*, 41 AM. PSYCHOL. 1040, 1041 (1986).

23. See *id.*

24. See Judge & Bono, *supra* note 19, at 81.

conscientiousness.²⁵ Additionally, self-efficacy has been found to predict performance on simple tasks²⁶ and on jobs of low complexity.²⁷ Self-efficacy is more strongly linked to task performance (e.g., quality and accuracy of work) than to general work tasks (e.g., improving the organization's external image).²⁸ Finally, a review of current research reveals that learning orientation is related to performance for a variety of tasks, ranging from academic to organizational.²⁹ Conversely, achievement orientation is related to job performance as a whole, rather than to specific job tasks.³⁰

Prior empirical research thus suggests that performance outcomes are affected both by competencies and by certain personality traits, and that competencies are likewise affected by certain personality traits. However, how does each of these affect performance as an attorney? To address this issue, we conducted a three-part study to assess what differentiates high performers in a big law firm setting. First, we gathered information on attorney performance based on internal evaluations of associates. Next, we collected data on associates' competencies. Then, we collected surveys of self-reported locus of control, self-efficacy, learning orientation, and achievement orientation. Finally, we conducted a series of interviews with associates in the firm in an effort to further distinguish the traits, competencies, and thought patterns that differentiate associates rated as very high, high, medium, and low performers. These interviews provided complementary information to the quantitative measurements of performance, competencies, and personality

25. See Keith Hattrup et al., *Incremental Validity of Locus of Control After Controlling for Cognitive Ability and Conscientiousness*, 19 J. BUS. & PSYCHOL. 461, 461–63 (2005).

26. See Gilad Chen et al., *The Roles of Self-Efficacy and Task Complexity in the Relationships Among Cognitive Ability, Conscientiousness, and Work-Related Performance: A Meta-Analytic Examination*, 14 HUM. PERFORMANCE 209 (2001).

27. See Timothy A. Judge et al., *Self-Efficacy and Work-Related Performance: The Integral Role of Individual Differences*, 92 J. APPLIED PSYCHOL. 107 (2007).

28. See I. M. Jawahar et al., *Self-Efficacy and Political Skill as Comparative Predictors of Task and Contextual Performance: A Two-Study Constructive Replication*, 21 HUM. PERFORMANCE 138 (2008).

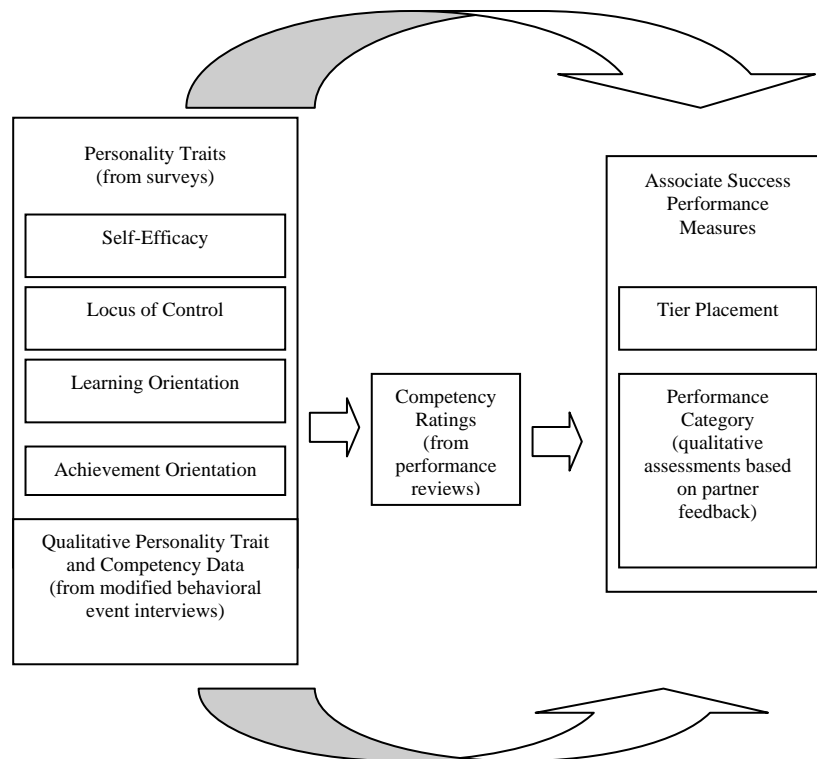
29. See Stephanie C. Payne et al., *A Meta-Analytic Examination of the Goal Orientation Nomological Net*, 92 J. APPLIED PSYCHOL. 128 (2007).

30. See *id.*

traits; this helped us devise a more comprehensive model of associate performance. An illustration of how these different sources were conceptualized in our research design is provided below.

We empirically analyzed how each of these factors affects performance in a large law firm. Based on our findings, we developed a preliminary model of high-performing attorneys.

FIGURE 1. GRAPHICAL REPRESENTATION OF RESEARCH MODEL



III. METHODOLOGY

We conducted our research in an AmLaw 100³¹ firm. We collected performance data and competency data over the

31. The Am Law 100 is a list of the 100 top-performing law firms as determined by The American Lawyer. The financial information employed to determine performance includes revenue per lawyer, profits per equity partner, compensation for all partners, average compensation for all partners, value per lawyer (compensation for all partners divided by the total number of lawyers), and profitability index (profits per partner divided by revenue per lawyer).

course of two years, in 2009 and 2010. Surveys on the four personality traits discussed above—locus of control, self-efficacy, learning orientation, and achievement orientation—were administered to a subset of these associates from a number of office locations across the country. Additionally, in-depth interviews were conducted with nineteen of these associates.

This firm was selected because of our ability to objectively gather data on the evaluation scores of associate competencies and associate promotion into tiers; this allowed us to track those who advanced faster than their peers. That is, associates who graduated the same year and had the same number of years of experience were promoted based on their skills, competencies, and results rather than just tenure. Many law firms still advance associates based on lockstep or have a merit system that compensates associates differently based on performance but does not promote them differently until the decision on whether to promote them to partner. By collecting data in this firm, we were able to build a model that can then be tested and validated in other law firms to determine if these findings can be generalized to law firms overall, if they are unique to one law firm or, for example, if they are unique to just large law firms.

IV. PERFORMANCE

We collected information about associate performance in two ways. First, the firm's merit-based evaluation system placed associates in tiers (i.e., levels) based on their performance reviews, which included competency ratings, as well as hard performance criteria such as billable hours ($n = 273$ in 2009, $n = 200$ in 2010³²). Associates were differentiated in tiers ranging from one to twelve, with twelve representing the highest level and one representing the lowest level. So, new associates started at level one and when they reached level twelve that meant that they were ready to be put up for partnership. This evaluation system differs from the usual lockstep approach to evaluation, whereby

32. "n = x" refers to the number of associates who were assessed on a given variable or attribute, with n representing "sample size" and x representing the number of associates evaluated. For example, "n = 273 in 2009" means that tier score data was available for 273 associates in 2009.

associates are promoted based on length of time with the firm. Second, associates were qualitatively assessed at evaluation committee meetings to be “very high,” “high,” “medium” or “low” performers (we called this variable “performance category,” n = 151).

V. COMPETENCIES

Eight competency ratings were collected for each associate (n=175). These were summary ratings based on annual assessments made by the partners each associate worked for. Four of these competencies are technical competencies uniquely related to being a lawyer: written advocacy; oral advocacy, trial, and negotiation skills; legal research and knowledge of law; and abilities in factual development, investigation, and discovery. The other four competencies entail more general behavioral (“soft skills”) competencies: drive for excellence; teamwork abilities; leadership and case management; and client service and communication. The definitions below describe these competencies in more detail.

A. *Technical Competencies*

Legal Research and Knowledge of Law—The associate’s ability, using legal research methods and/or the associate’s accumulated legal knowledge, to identify relevant legal authority, to apply relevant legal principles, and to formulate legal strategy.

Written Advocacy—The associate’s ability, through clear and persuasive writing, to express ideas, present facts, and advance legal arguments.

Oral Advocacy, Trial, and Negotiation Skills—The associate’s speaking and oral advocacy skills (e.g., in the courtroom, in business settings, with government agencies), abilities in connection with the examination of witnesses and interviewing key business people, and negotiating skills.

Factual Development, Investigation, and Discovery—The associate’s interviewing skills, facility in the use of various discovery devices, and ability to collect, develop, and organize documents and other evidence or factual information coherently and effectively.

B. Behavioral Competencies

Drive for Excellence—The associate's attitudes toward and participation in training opportunities, reaction and approach to feedback, and contribution to meeting and responsibility for setting the firm's high standards of excellence.

Teamwork—The associate's contributions to a cooperative and collegial work environment, to a fair allocation of the workload, to the achievement of common goals, and to an inclusive, effective decision-making process.

Leadership and Case Management—The associate's management and communication skills, the timeliness and efficiency with which an associate accomplishes necessary tasks, the associate's ability to understand, formulate, and deliver clear assignments.

Client Service and Communication—The associate's commitment to internal and external clients, judgment in advising and representing the client, effectiveness in advising the business or organization, and ability to promote the firm's strengths and capabilities to new or existing clients and the legal community.

VI. PERSONALITY TRAITS

To assess the relationship between individual personality differences and performance, associates across a number of class years at the same law firm completed surveys regarding their own self-efficacy (n = 160),³³ locus of control (n = 159),³⁴ orientation toward learning (n = 129), and orientation toward achievement (n = 129).

VII. INTERVIEWS

To supplement the quantitative data, we interviewed associates to determine what additional factors differentiated fast trackers from their peers. Nineteen modified behavioral event interviews were conducted to better understand top

33. See Urte Scholz et al., *Is General Self-Efficacy a Universal Construct? Psychometric Findings from 25 Countries*, 18 EUR. J. OF PSYCHOL. ASSESSMENT 242 (2002).

34. See Patricia C. Duttweiler, *The Internal Control Index: A Newly Developed Measure of Locus of Control*, 44 EDUC. & PSYCHOL. MEASUREMENT 209 (1984).

performers' approach to work. Of these interviews, six were conducted with very-high performing associates, four with high-performers, six with medium performers, and three with low performers.

Behavioral event interviews focus the interviewee on past behavior in a specific circumstance. The interviewer spends two to three hours probing particular situations and extracting what the interviewee thought, said, and did so that the interviewer can create a play-by-play recall of the situation. Though interviewees often cannot recall exact conversations, behavioral interviews are valid predictors of performance.³⁵ Research has found that these interviews provide more valid inferences than interviews involving future hypotheticals³⁶ or general questions,³⁷ as it is harder for the interviewee to make up answers.

During the course of each interview, we asked associates to talk about three types of events (i.e., situations): (1) a time when they had to "sell" themselves or demonstrate their capabilities to others; (2) a time when they had to do something they had never done before; and (3) a time when they risked personal failure or embarrassment. For each of these events, associates were probed to better understand their thought patterns and philosophies toward approaching different situations. We wanted to understand what they did, what they said to others, and why they did or said those things. We also wanted to understand what they thought or felt as they were experiencing these situations, including what they thought contributed to their successes or failures. Transcripts of these interviews were then coded by four separate raters to compare and contrast behaviors and thought patterns of the very high, high, medium, and low performers.

35. See Stephan J. Motowidlo et al., *Studies of the Structured Behavioral Interview*, 77 J. APPLIED PSYCHOL. 571 (1992).

36. See Michael A. Campion & James E. Campion, *Structured Interviewing: A Note on Incremental Validity and Alternative Question Types*, 79 J. APPLIED PSYCHOL. 998 (1994).

37. See Tom Janz, *Initial Comparisons of Patterned Behavior-Based Interviews Versus Unstructured Interviews*, 67 J. APPLIED PSYCHOL. 577, 579–80 (1982).

VIII. ANALYSIS

We employed two types of analyses to assess the relationships between personality traits, competencies, and performance. First, we employed multiple regression to assess the predictive relationship between a competency or personality trait and performance, with class year (i.e., when they graduated from law school) included as a statistical covariate in the predictive model. Including year of graduation from law school in these analyses allowed us to control for, statistically, differences in competencies and performance that would naturally occur over time and the accumulation of experience. Thus, class year served as a proxy for experience. This group of analyses was conducted to capture the magnitude of the relationships between two variables of interest (e.g., internal locus of control and a competency) above and beyond the impact of class year but not any other variables of interest (e.g., self-efficacy would not have been included). For the second class of multiple regression analyses, we sought to assess the extent to which particular competencies provided incremental prediction of performance above and beyond other competencies. In this type of multiple regression analysis, we also statistically controlled for associates' class years.

These different analytical approaches provide unique information about the relationships among personality traits, competencies, and performance. That is, multiple regression provides information about the strength of the relationship between two variables in the context of a larger statistical model that includes a number of other predictor variables. For the first multiple regression analyses, the only other relationship that was controlled was the relationship between class year and performance. For the second set of multiple regression analyses, relationships between class year and performance, as well as between other competencies (or personality traits) were likewise estimated—and thus, controlled for—in the predictive model.

Analyses were repeated to gauge the magnitude of the relationships between competencies and performance³⁸ within

38. Technically, performance category is measured on an ordinal scale, which may result in biased outcomes from parametric statistical analyses. However, the conclusions derived from non-parametric analyses were the same

each of the two years for which data was collected. Likewise, analyses were repeated for overall personality scales (e.g., internal locus of control) as well as for items within each scale in order to assess the extent to which overall scales or patterns of thinking or motivation captured within the scales best predicted competencies and/or performance ratings.

To analyze the interview data, four interviewers separately coded each interview for concept themes. Following this coding process, we had a concept formation meeting where we came to agreement on the concepts (i.e., associates behaviors and thought patterns) apparent across interviews. There were approximately fifty concepts in total. We then went back to the interviews and gave each associate a score of either zero or one on each concept, indicating whether their interview demonstrated that concept. We then analyzed the interviews one last time to determine which concepts were demonstrated in at least 60% of the very high and/or high-performing associate interviews, with particular emphasis on concepts that were not common with the medium or low performing associate interviews.

IX. RESULTS

A. *High Performers: Competencies*

When running multiple regressions while controlling for class year only, all eight of the evaluation competencies individually predicted performance (see *infra Table 1*). That is, associates who scored higher on each of the eight individual competencies generally also received higher tier placements relative to those who entered in the same year. However, multiple regression analyses controlling for other competencies revealed that three behavioral competencies and one technical competency seemed especially critical in predicting performance. In terms of behavioral competencies, *drive for excellence, leadership and case management, and teamwork* provide incremental prediction of performance above and beyond prediction provided by other competencies.

as those drawn from parametric statistics, indicating that, in this case, the level of measurement of this variable did not bias the results of the parametric analyses. Thus, in the current paper, we report the results from the parametric analyses in order to maintain consistency with the other analyses.

2012] *DEVELOPING FUTURE ATTORNEYS* 889

Similarly, the technical competency *written advocacy* provides incremental prediction of performance beyond prediction provided by other competencies.³⁹

39. Predicted tier score in 2009: Drive for excellence ($b = 0.47$, $p < 0.05$). Predicted tier score in 2010: leadership and case management ($b = 0.50$, $p < 0.05$), written advocacy ($b = 0.59$, $p < 0.05$). Predicted performance category: teamwork ($b = 0.45$, $p < 0.05$), written advocacy ($b = 0.43$, $p < 0.05$).

Note that the “b” in multiple regressions represents the strength of the relationship between two variables, holding other variables constant (that is, controlling for the influence of other variables). B is bounded by -1 and 1, with -1 representing a perfect negative relationship between the variables (high values on one variable are associated with low values on another variable), 1 representing a perfect positive relationship between the variables (high values on one variable are associated with high values on another variable), and 0 representing no relationship (the value of one variable gives you no information about the value of another variable).

Additionally, the “p” value refers to the probability that a relationship between two variables would have been discovered in a given sample at the strength, b, under the assumption that no relationship exists between these variables in the population. The lower p is, the less likely that a relationship of strength, b, would have been found in the sample if it did not exist in the population. Thus, lower p values are taken as an indication that the relationship found in the sample is indicative of an equally or similarly strong relationship in the population. A cut-off of $p = 0.05$ or below is commonly employed in deciding the “statistical significance” of such a relationship.

TABLE 1. COMPETENCIES PREDICTING PERFORMANCE

Table 1	Tier Score 2009	Tier Score 2010	Performance Category
Technical Competencies:			
Legal Research & Knowledge of Law	0.22*	0.56*	0.40*
Written Advocacy	0.29*	0.69*	0.61*
Oral Advocacy, Trial & Negotiation Skills	0.22*	0.53*	0.30*
Factual Development, Investigation & Discovery	0.22*	0.56*	0.53*
Behavioral Competencies:			
Leadership & Case Management	0.28*	0.60*	0.56*
Teamwork	0.22*	0.59*	0.61*
Client Services & Communications	0.30*	0.56*	0.47*
Drive for Excellence	0.31*	0.62*	0.57*

Note: Numbers in table are b weights; * indicates that $p < 0.05$

In other words, we found that individuals who are highly competent in one area tend to be competent in other ways. As such, there is some overlap in the skills assessed across technical and behavioral competencies. This overlap can be seen in the high correlations among the different competencies, which range in magnitude from 0.61-0.77 in 2009 to 0.69-0.82 in 2010. However, the competencies described above appear to predict unique parts of performance that are not addressed in the other competencies. That is, while the competencies do overlap (as evidenced in the correlation magnitudes discussed previously), they also capture unique behavioral skills (hence why the correlations between competencies are not a perfect "1"). As such, while all competencies appear useful in understanding associate success, these four competencies may be particularly valuable in distinguishing the highest performers. Drive for excellence captures a general,

2012] *DEVELOPING FUTURE ATTORNEYS* 891

motivational approach to work, rather than a specific behavior. Leadership and case management requires a unique subset of skills that future leaders would be expected to exhibit. Similarly, teamwork captures a specific set of interpersonal skills not captured in technical or individual work competencies. Lastly, written advocacy captures a unique competency in that the majority of lawyers' technical deliverables are written documents. Each of these competencies captures a unique motivation or behavior that is critical to associate success.

B. High Performers: Personality Traits

The overall scales of self-efficacy, locus of control, and learning and achievement orientation did not predict either competencies or performance. However, survey data collected on individual items capturing themes within the personality traits of locus of control, self-efficacy, learning orientation, and achievement orientation did predict both competencies and performance. In terms of technical competencies, we found that a subset of items from learning orientation and achievement orientation, as well as self-efficacy, predicted the competency of legal research and knowledge of the law. Likewise, a subset of items from self-efficacy and internal locus of control sub-scale predicted written advocacy, as well as factual development, investigation, and discovery. Additionally, an item from achievement orientation predicted competence in oral advocacy.⁴⁰

With respect to behavioral competencies, a subset of items from achievement orientation and self-efficacy predicted leadership and case management. Items from both self-efficacy and internal locus of control predicted teamwork, while an item from self-efficacy predicted the client service and communication competency. Additionally, an item from the internal locus of control sub-scale predicted drive for

40. Predicted legal research: items from learning orientation ($b = 0.42, p < 0.05$), achievement orientation ($b = 0.24, p < 0.05$), self-efficacy ($b = 0.25, p < 0.05$). Predicted written advocacy: items from self-efficacy ($b = 0.18, p < 0.05$) and internal locus of control ($b = 0.20, p < 0.05$). Predicted factual development: items from self-efficacy ($b = 0.17, p < 0.05$) and internal locus of control ($b = -0.18, p < 0.05$). Predicted oral advocacy: an item from achievement orientation ($b = 0.26, p < 0.05$).

excellence.⁴¹

Finally, certain personality traits predicted measures of performance. An item from the external locus of control sub-scale predicted tier scoring in 2009. Moreover, a subset of items from achievement orientation, internal locus of control, and external locus of control were found to predict tier scoring in 2010. Finally, items from achievement orientation, internal locus of control, and external locus of control sub-scales were found to predict performance category.⁴² *Table 2* provides a summary of the overall concepts that predicted competencies and performance. While the overall concepts are labeled by the scale name (e.g., “internal locus of control”), note that this table depicts summaries of predictive *items* only, not the overall scales/sub-scales.

41. Predicted leadership: items from achievement orientation (b's from -0.24–0.28, $p < 0.05$) and self-efficacy (b's from 0.19–0.21, $p < 0.05$). Predicted teamwork: items from self-efficacy ($b = 0.16$, $p < 0.05$) and internal locus of control (b's from 0.15–0.17, $p < 0.05$). Predicted client service and communication: an item from self-efficacy ($b = 0.32$, $p < 0.05$). Predicted Drive for excellence: an item from the internal locus of control sub-scale ($b = 0.15$, $p < 0.05$).

42. Predicted Tier Score 2009: an item from the external locus of control sub-scale ($b = 0.21$, $p < 0.05$). Predicted tier score 2010: Items from achievement orientation ($b = 0.23$, $p < 0.05$), internal locus of control ($b = 0.24$, $p < 0.05$), and external locus of control ($b = 0.25$, $p < 0.05$). Predicted performance category: items from achievement orientation ($b = 0.27$, $p < 0.05$), internal locus of control ($b = 0.36$, $p < 0.05$), and external locus of control (b's from -0.28–0.24, $p < 0.05$).

TABLE 2. SUMMARY OF PERSONALITY PREDICTING COMPETENCIES AND PERFORMANCE⁴³

Predictive Concepts	LR & KL	WA	OA,T & NS	FD, I&D	L&C M	TW	CS& C C	DE
Internal Locus of Control		X		X		X		X
External Locus of Control								
Learning Orientation	X							
Achievement Orientation	X		X		X			
Self-Efficacy	X	X		X	X	X	X	
Predictive Concepts	Tier Score 2009		Tier Score 2010		Performance Category			
Internal Locus of Control			X		X			
External Locus of Control	X		X		X			
Learning Orientation								
Achievement Orientation			X		X			
Self-Efficacy								

Consequently, it is apparent that concepts captured in the self-efficacy, learning and achievement orientations, and locus of control scales all contribute to success both in terms of technical and behavioral competencies, as well as performance. However, as discussed, the current research links these personality characteristics with specific aspects of success. Moreover, only certain items within each scale had significant correlations, so by themselves these results are difficult to interpret. More research needs to be conducted to better understand how these personality traits predict

43. Note: LR&KL = Legal Research & Knowledge of Law, WA = Written Advocacy, OA,T&NS = Oral Advocacy, Trial & Negotiation Skills FD,I&D = Factual Development, Investigation & Discovery, L & CM = Leadership & Case Management, TW = Teamwork, CS&C = Client Support & Communication, DE = Drive for Excellence.

performance and competencies in general.

C. High Performers: An Integrated Model of Attorney Success

To develop our model of attorney success, we combined findings from our statistical analyses on quantitative survey data with findings from the qualitative interviews. That is, we assessed commonalities among the items that significantly predicted performance in our quantitative study and the mindset and behaviors that differentiated between low, medium, high, and very high performers in the interviews. This included examining the results of specific survey questions, rather than solely exploring complete scales. Synthesizing the results derived from the quantitative and qualitative studies, we identified common mindset and behavioral themes that differentiated higher-performing from lower-performing associates.

As discussed, our analyses found that competency ratings are highly correlated with performance measures. Indeed, the reality is that competencies are likely both outcome variables—in that they capture capabilities that could be considered *behavioral* performance measures—and predictors of success—in that they also lead to more *objective* performance results. Thus, we looked at how the uniquely predictive competencies (drive for excellence, leadership & case management, teamwork, and written advocacy) emerged from our qualitative findings from the interviews and the results of the analyses on the personality trait surveys. In other words, we sought to pull out the concepts that captured the most critical aspects of the uniquely predictive competencies and traits. As discussed in more detail below, many of the competencies were clearly evident in the survey and interview results. The only competency that we did not see aspects of in the results of either the survey or interview analyses is written advocacy, which is understandable since it is a unique technical competency difficult to gauge from an interview or multiple-choice survey. However, competency in this area likely stems from some of the concepts addressed in our integrated model.

Drawing from the results of our research, high performers differed from other associates in three broad categories: (1) their *mindset and philosophy*, (2) *managing the work environment and results*, and (3) *working and*

collaborating with others. Specifically, we found that associates' mindset and philosophy capture how they mentally approach work tasks and what drives them. Associates' management of the work environment and results refers to how associates actively tackle individual work tasks, whereas how associates work and collaborate with others encompasses interpersonal abilities and influence. Each of these three broad categories was further differentiated into distinct attributes and skills. Below we describe those critical attributes and skills and then provide a graphical representation of the final model.

1. *Mindset and Philosophy*

Mindset and philosophy refer to how an attorney approaches work mentally and encompasses an attorney's philosophy, emotional health, motivations and drive. In other words, mindset and philosophy capture how attorneys see themselves, and specifically highlights who they are rather than what they do. High-performing associates demonstrated five mindset and philosophy attributes. First, high-performing associates exhibit *equanimity*. That is, these associates experience and acknowledge their own anxiety during challenging times, but they are able to rise to the challenge of unexpected pressures and mask that anxiety. Second, high-performing associates have an *action-oriented mental strength*, or a cognitive desire to act upon the world, be proactive, and persist in the face of challenges. Third, these associates have an *intrinsic need for achievement*, in that they appreciate and desire learning and achievement for their inherent value. At the same time, they have an *extrinsic need for achievement*, in that they also place value on others perceiving them as capable and recognizing their achievements, expertise and knowledge. Finally, high-performing associates have a strong *sense of self*. As such, they are able to acknowledge and accept their own strengths, weaknesses, boundaries, preferences and sphere of control.

2. *Managing the Work Environment and Results*

High-performing associates also demonstrated three approaches to work in terms of independent actions and strivings. First, they are able to *handle curve balls*. That is, these individuals are flexible in handling unforeseen or

ambiguous situations. They are able to balance conflicting interests, make decisions on the spur of the moment, and anticipate the unexpected. As such, these high-performers are nimble and can respond quickly to unforeseen demands or setbacks.

Second, high-performing associates demonstrate *openness* when solving work problems. In particular, they actively seek solutions to problems by scanning the environment. These associates do not take the first potential solution; rather, they are able to think of multiple solutions and actively seek external advice where appropriate to help identify the best solution.

Finally, high-performing associates strategically demonstrate *effort and ownership* to reach challenging goals that they see as important. In doing so, they know what is and what is not feasible, and what they can and cannot control. These associates put forth their best effort and own the challenges that are set before them; they persist in order to achieve.

3. *Working and Collaborating with Others*

Finally, high-performing associates approach working with others in three ways in terms of teamwork, networking and influence. First, high performers *build and use social networks*. They strategically develop professional relationships needed to meet personal and team goals. In particular, relationships are built as resources, which can then be called upon in the future.

Second, high-performers seek to have a *direct impact on others*. That is, these individuals are able to interact with others from a position of influence and impact. They are aware of what others can do for them, as well as what effect they might have on others. When working with others, high-performers use their interpersonal understanding of others to influence and impact them, rather than using generic tactics. These individuals are also able to deal with conflict directly, while still maintaining a positive impression with others.

Finally, high-performers seek a degree of *emotional independence* in their work relationships. In other words, they have a pragmatic approach to relationships. While they seek to build relationships at work, preliminary findings drawn from the interview data suggests that they do not

become overly involved in colleagues feelings and intimate emotions.

X. SUMMARY OF FINDINGS

Several themes emerge across these dimensions. First, we propose that mindset and approach to work *drive* both individual and team behaviors. That is, behaviors related to tackling assignments and working with others stem from associates' orientation toward work. Consequently, specific individual and team behaviors complement mindset and approach to work. In this way, the current research adds to prior work by revealing the inter-relationships between mindset, thought patterns, mental approach and competencies.

Additionally, high-performing associates demonstrate balance in their approach to work. For example, while these individuals are proactive in mindset and approach their work with a pre-established plan, they are also flexible and able to react quickly when unanticipated events occur. Similarly, while they often influence their environment and co-workers, they are also self-aware in terms of when they need to seek advice in tackling challenging tasks. In addition, while these attorneys appear confident on the outside, they also experience apprehension when faced with challenging situations or tasks. A key part of being a high-performing attorney may not necessarily be exhibiting confidence itself, but rather, the ability to accept and work through personal concerns, apprehensions or fears. Similarly, high-performing associates seek both learning and achievement for their own value but also to gain praise and recognition from others. Finally, these attorneys strategically form and employ relationships at work. They build relationships with others, yet also seem to maintain some emotional distance within these relationships to avoid becoming overly involved in others' lives.

The age-old leadership question is: Are leaders born or made? While we still need to validate these findings in other law firm settings, our research suggests that—whether inborn or learned—future law firm leaders develop core mindsets, behaviors and approaches to work early on. These attributes ready future leaders for success, make others take notice of them, and help them reach the point where they are

formally promoted to leadership positions. Our hope is that a better understanding of the mindset and behavior of these future leaders will enable law firms to select and train based on these elements in order to develop associate talent and accelerate career progression. The model we have put forth draws on both concepts previously established in the scientific literature as well as new observations from interviews with high-performing associates. The next task is to use this foundation to validate the concepts delineated in the current research with a broader sample of attorneys.