

CHAPTER 1

METHODS AND BACKGROUND

Success, however you might define it—promotion, flourishing, and/or being physically healthy—is something that everyone pursues. It was certainly on the minds of all the lawyers we talked with while conducting the research we present in this book? The goal of this book is to provide empirical evidence on how lawyers have found success and advice for those striving for it. To learn about success—and how to attain it—in a law-firm environment, we conducted a large multipart, mixed-methods study on lawyers in large law-firms, including archival and survey research followed by a number of one-on-one interviews. Detailed information about our research approach is provided in the Appendix. For now, we'll just give you an overview of how we conducted our research and how we drew conclusions about law-firm lawyer success.

How

This book was written by three social scientists who also work in the legal arena. We were frustrated by the lack of empirical data among the plethora of anecdotal books and articles telling associates how to be successful. So we set out on a mission to empirically answer the question, “Who excels as an associate in a large law-firm?”

We conducted the first part of our mixed-method study within a single AmLaw 100 law-firm. We collected survey data on the personality

and mind-set of associates in this firm, as well as archival data on their behavioral competency ratings and how well they were performing relative to their peers. Additionally, we conducted in-depth interviews with 19 associates—some who were promoted ahead of their peers, others who were about average, and still others who lagged behind. The law-firm in which we did our research had moved away from lockstep promotions. Specifically, this firm had moved to a model where associates were differentiated into one of 12 tiers, depending on their skills, billable hours, and other criteria. It was easy to assess differences among associates at the same level of experience—who was evaluated at a higher level of performance than their peers and who was evaluated at a lower level. Using the personality, competency, and performance data that we collected, as well as the interviews we conducted, we developed a model that describes the mind-set, work behaviors, and collaboration behaviors of the associates who outperformed their peers.¹

While the initial phase of our study was illuminating, it only focused on associates and performance outcomes, and was limited to one firm. We wanted to understand what mind-set and behaviors matter beyond these conditions. We therefore developed a survey on the basis of our initial findings; this survey captured the characteristics and behaviors that differentiated fast-tracking associates from their peers as well as demographic information. Our 75-item survey covered issues of how lawyers approach their work mentally, how they work on their tasks and projects, and how they work with others. In addition to items on how lawyers work, we included measures of success (health, flourishing, and years to promotion), measures of the work environment (the political nature of work and micromanaging), and other possible explanations for success (billable hours, law school attended, and law school GPA).

To see if our findings generalized, we distributed this survey by email to lawyers working in the United States for AmLaw 100 firms who fit into one of three broad groups. First, to understand who makes partner and who does not within 10 years, we solicited responses from: a) lawyers who had made partner within 10 years of attaining their JD and b) lawyers who were still associates, although they earned their JD 11 or more years ago. Second, to understand differences between newer and

¹Berman, L.M., Bock, H. E., & Aiken, J. R. (2012). "Developing lawyers for the future: What can we learn from the fast trackers?" *Santa Clara Law Review*, 52, 875–98.

more established partners, we also solicited responses from lawyers who were identified as “Super Lawyers” in the *Super Lawyer* legal publication. To be honored as a Super Lawyer, a lawyer is first nominated and evaluated by peers and then further evaluated by third parties. Since Super Lawyers have typically been partners for some time, rather than being on the cusp of partnership, we sought to compare their profiles with the profiles of lawyers around the time of typical promotion to partner to see if there were any differences between successful lawyers who were new to partnership and successful lawyers in more established, senior positions. Understanding these “superstars” helped further our understanding of successful lawyers. In total, we solicited the participation of approximately 2,500 lawyers and received completed surveys from 343.

Our sample was 82% Caucasian and 6% Asian or Asian American. The remainder were African/African American, Hispanic/Latino, or another ethnicity. Additionally, 40% of our sample was female. Using information provided by responding lawyers on the number of years they spent working inside and outside of law-firms after law school graduation, we calculated how long it took them to be promoted to partner. They were then grouped as follows: a) in 7 years or less (31), b) in 8 years (75), c) in 9–10 years (37), or d) not promoted yet (106). In addition, we collected data from 28 lawyers who had spent 9 or more years in a different career prior to or during law school (“second-career lawyers”) and 66 superstars, as identified by the *Super Lawyers* publication.

After analyzing the results of this survey, we reached out to a number of lawyers to conduct one-on-one interviews. The participating lawyers shared a wealth of information in both their surveys and their interviews. We learned how they thought. We learned how they acted. We learned that there was no magic formula for success. But we found a lot of pieces to this puzzle that, when put together, provide insights and direction that can help associates aspiring to be successful in the tough law-firm world.

This book is an in-depth review of the findings from our study that are statistically significant. Statistical tests focus on what variables predict success “on average”—therefore, the results are not meant to imply that if you follow our tips you are guaranteed to be successful. For example, we found that lawyers who make and stick to plans are more likely to make it to partnership. However, this finding reflects the *average* relationship between planning and promotion rather than capturing a universal truth; in other words, there will always be those who succeed following

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the road less traveled. By reviewing and discussing our findings, we by no means intend to suggest that alternative ways are incorrect. Nonetheless, these results provide useful insights on the characteristics, mind-sets, and behaviors we found empirically connected to success in large law-firm environments.