Accelerating Talent

Grit and Growth Mindset Fuels Lawyers' Success Throughout Their Careers

By Alli Gerkman and Milana L. Hogan

In 2013, the American Bar Association Commission on Women in the Profession developed the Grit Project to educate women lawyers about the science behind the concepts of grit and growth mindset. Relying on existing work by Angela Duckworth on grit, Dr. Carol S. Dweck on growth mindset, and Milana Hogan on the effect of these concepts on the success of women in big law firms, the Commission created educational materials for use by lawyers and lawyer organizations across the country.

Starting in 2016, the Commission initiated research to understand the impact of grit and growth mindset on the success of female lawyers. “Grit” is defined as “perseverance and passion for long term goals” while “growth mindset” is defined as “the belief that one’s most basic abilities can be developed through dedication and hard work – brains and talent are just the starting point.” The growth mindset perspective creates a love of learning and a resilience that is essential for great accomplishment. The findings from that research have important implications for the identification of appropriate measures of success for all seasoned attorneys.

Similarly, in 2015, IAALS, the Institute for the Advancement of the American Legal System, under the direction of Alli Gerkman, launched its Foundations for Practice project to determine which foundations (including legal skills, professional competencies and characteristics) made for successful lawyers. A major part of the project identified exactly what practicing lawyers believe new attorneys needed to be successful.

In this article, Hogan and Gerkman discuss the importance of grit and growth mindset for both seasoned and new lawyers, why grit and growth mindset are critical traits that are commonly shared by highly successful lawyers, whether they are newly entering the profession or in the midst of their career, and how the traits inherent in grit and growth mindset are among the Foundations for Practice that all lawyers need for success.
MEASURING SUCCESS FOR SEASONED LAWYERS

An important part of the research design included identifying appropriate measures of success for the types of lawyers studied: law firm lawyers, solo practitioners, lawyers in government, lawyers working in non-profits, and lawyers working in-house. To do this, lawyers currently working in each of these capacities were surveyed and asked to describe the ways in which they evaluated their own success. In other words, they were asked to describe what success looked and felt like to them. As you can imagine, given that success is a broad, somewhat vague concept that can be quite subjective, there was a wide range of responses. Nevertheless, several key themes and patterns emerged from these conversations and ultimately revealed a subset of success measures for each group of lawyers.

For example, law firm lawyers tended to evaluate their success based on measures such as whether they were on partnership track, what they were told during annual performance reviews, and the nature of the work they received (high profile, complex matters vs. straightforward, low impact or routine matters), among other things. Solo practitioners had very different success measures that included how satisfied they were with the level of control they had over their work schedules, how satisfied they were with their current level of income, and whether they were able to accomplish their personal professional goals.

Armed with appropriate measures of success for each group of lawyers, it was possible to see how their grit scores and growth mindset orientations correlated, if at all, to each specific measure. Ultimately, the outcome was that demonstrations of grit and growth mindset orientations have a strong impact on success for female lawyers across all practice settings.

GRIT PROJECT FINDINGS: WHAT SUCCESSFUL LAWYERS HAVE IN COMMON

For lawyers in each of the practice settings studied there were several important ways in which grit and growth mindset influenced success. This article will focus on three.

First, for lawyers working in law firms, demonstrations of grit are closely related to the overall quality of work that a woman receives. The quality of her work was a self-reported measure (i.e., she – rather than a third party – determined whether the work was high quality, high profile and sufficiently complex and challenging). Quality of work was used as a measure of success because it is often an indicator of who is performing well within the firm. If the firm takes on a high visibility and high-stakes M&A deal, it is unlikely to assign the critical tasks associated with the deal to weak performers. Instead, it makes logical sense that the challenging elements would go to high performers who would be likely to deliver the best possible result to the client. Conversely, the less complex elements might go to solid but not exceptional performers, who could be relied upon to execute well on basic tasks. Successful lawyers tend to get the very best work, and working on complex and challenging matters helps them to build valuable experience, form meaningful connections with clients, and further their legal careers.

Second, a growth mindset orientation is strongly related to how well more-seasoned lawyers are compensated. Rather than relying on a fixed dollar amount, which can vary widely from firm to firm (i.e., lawyers earning top compensation at one firm may find themselves in the middle of the pack at another firm with higher per partner profits), the Grit Project relied upon a relative measure of compensation. Specifically, respondents were asked: “Relative to your peers, is your total compensation above average, average, or below average?” Growth mindset-oriented respondents were much more likely to select above average compensation than fixed mindset-oriented respondents. While there are many underlying factors that contribute to compensation determinations, and these may vary significantly from firm to firm, it seems that having a growth mindset suggests higher earnings. One possible theory for this is that growth mindset-oriented individuals tend to view setbacks as opportunities...
for learning rather than as indicators of lack of ability or personal shortcomings. If you consider this in the context of client development, where seasoned lawyers are often tasked with generating new business for the firm (an undertaking with a statistically high failure rate), it makes logical sense that growth-minded individuals would be less likely to get discouraged when they were turned down and more likely to learn from their mistakes, make the necessary adjustments, and go at it again.

Third, for lawyers working in-house, their grit scores influence both the point at which they are brought into the decision-making process, as well as their tenure with the organization. For many in-house lawyers, being seen as a strategic partner (who is consulted early on in the decision-making process and well before major decisions are made) rather than simply an executor was a very important measure of success. Equally important – both from the perspective of the organization and the individual – was how long the lawyer stayed with the organization. A long tenure suggests a successful and satisfying experience on both sides.

As these three examples demonstrate, grit and growth mindset are critical traits that are commonly shared by highly successful lawyers. They matter both at the outset of one's career as lawyers are learning the critical skills they need to practice law, and at the sunset of one's career, when occupying positions of leadership and authority. Organizations would be well-served to focus on hiring candidates who demonstrate these characteristics as they are often predictive of both present and future success.

**IAALS’ FOUNDATIONS FOR PRACTICE STUDY**

The work conducted by the Grit Project tells us that grit and growth mindsets are critical to the success of seasoned lawyers. Here, we will examine whether those traits may be valuable early in a lawyer's career as well.

IAALS launched Foundations for Practice because it believed that the question, “What do new lawyers need to be successful?” had to be answered, at least in significant part, by the profession itself – by lawyers who hired and worked with new lawyers, by lawyers who worked with clients, and by lawyers who had traveled the path from law student to new lawyer.

The drive to answer this question resulted in a survey that IAALS sent to lawyers in 37 states and generated responses from more than 24,000 lawyers representing a diversity of practice settings, practice areas, geographic locations, and demographic details. In the first part of the survey, IAALS asked respondents to consider 147 “Foundations” for new lawyers. Respondents indicated whether each item was necessary in the short term, not necessary in the short term but must be acquired over time, advantageous but not necessary, or not relevant. In the second part of the survey, IAALS asked respondents to reflect on the Foundations they identified as necessary for lawyers and to indicate the types of experiences and accomplishments that would help them identify those Foundations in a prospective employee.

Three key takeaways emerged. First, new lawyers require a blend of legal skills, professional competencies, and characteristics to be successful. Or, put another way, new lawyers must bring the whole package – they must be whole lawyers. Second, lawyers need some level of character quotient, including such qualities as integrity, work ethic, common sense, and resilience. Third, experience matters in the effective development, education, and hiring of new lawyers. When asked how they could identify the important Foundations in prospective employees, respondents overwhelmingly selected experience-based options, notably legal employment, letters of recommendation from lawyers and judges, legal externships, other experiential education, life experience between college and law school, participation in a law school clinic, federal court clerkships, and state court clerkships.

**RELEVANCE OF GRIT AND GROWTH MINDSET FOR NEW LAWYERS**

If grit and growth mindset are characteristics that are critical to developing highly effective and successful lawyers and leaders, should employers be looking for these characteristics when hiring new lawyers?

In short, the answer is yes, and not just for long-term payoff. Just as the Grit Project found that grit and growth mindset are critical to the success of seasoned lawyers, when looking at the study through the lens of grit and growth mindset, it would seem that they are important for new lawyers as well. This suggests that employers would be wise to identify and hire new lawyers who already exemplify these characteristics to capitalize on the short- and long-term gains that may result.

To understand how grit and growth mindset fared in the study, one must start with the definitions of grit and growth mindset that Hogan and her team used, which were defined above.

Then you can look at the list of 147 Foundations to see which, if any, feed into the concepts of grit and growth mindset. Thirteen Foundations in Table 1 were identified as supporting either grit or growth mindset (“Grit/Growth Foundations”), based on the definitions above.
Table 1: Foundations Relevant to Grit and Growth Mindset

<table>
<thead>
<tr>
<th>Foundation</th>
<th>Type</th>
<th>Grit</th>
<th>Growth Mindset</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diligence</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Exhibit flexibility and adaptability regarding unforeseen, ambiguous, or changing circumstances</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Exhibit resilience after a setback</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Grit</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Have a passion for the work</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Regulate emotions and demonstrate self-control</td>
<td>Professional Competency</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Set goals and make a plan to meet them</td>
<td>Professional Competency</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Take ownership</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Enjoy overcoming challenges</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Have an internalized commitment to developing toward excellence</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Have a strong work ethic and put forth best effort</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Positivity</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Show initiative</td>
<td>Characteristic</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The 13 Grit/Growth Foundations were each identified by at least 75 percent of respondents as necessary for lawyers, either in the short term or over time. See Figure 1. In fact, eight of the Grit/Growth Foundations were identified as necessary by more than 90 percent of respondents. These results suggest that Grit/Growth Foundations are important for new and seasoned lawyers alike, seemingly affirming the results of the Grit Project study.

Figure 1:
After identifying the Grit/Growth Foundations and confirming that survey respondents viewed them as necessary for all lawyers, the study looked at the percentage of respondents who indicated that those same Grit/Growth Foundations were necessary in new lawyers. Every Grit/Growth Foundation was identified as necessary in the short term – or, for new lawyers by more than 50 percent of respondents. Using the methodology IAALS employed in *The Whole Lawyer and the Character Quotient*, this suggests that all 13 Grit/Growth Foundations are necessary in new lawyers. See Figure 1.

**HIRING LAWYERS WITH GRIT AND GROWTH MINDSET**

IAALS is now working with employers and law schools to use Foundations for Practice and feedback from employers to develop learning outcomes and hiring tools employers can use to identify new lawyers who possess the desired Foundations. A key set of the Foundations included in those learning outcomes and hiring tools are the Foundations that support grit and growth mindset.

Given what we now know about grit and growth mindset, committing to hiring lawyers who possess them may be one of the best strategic moves a legal organization can make for its clients and its future. Employers have an opportunity to ensure that prospective candidates are being evaluated not only on traditional academic criteria, like grades and ranking of their law schools, but also the experiences that promote and suggest the candidate has developed grit and growth mindset. While this may require a shift in hiring priorities, training, and processes, it holds promise for legal organizations that want to build a deep bench of highly qualified new lawyers to groom as the organization’s leaders of tomorrow.

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2. New York was a participating state.
3. 1,508 respondents indicated that their primary practice was in the state of New York.
7. This list was created for this article. It may not be inclusive of all Foundations relevant to grit and growth mindset. Additionally, some of these Foundations may be relevant to both grit and growth mindset which, interestingly, highlights the interdependent relationship between the two concepts.
9. The four schools participating in this second phase of Foundations for Practice are Columbia Law School, University of Denver Sturm College of Law, Northwestern Pritzker School of Law, and Seattle University School of Law. Each school works with IAALS to identify a group of employers from their communities that they wish to engage in the project. At the conclusion of the second phase, IAALS will publish an account of this process, along with a set of learning outcomes and hiring rubrics that can be used as a starting point for similar discussions.
March 12, 2019

Tariq M. Khwaja
Senior Reference Librarian
Sullivan & Cromwell LLP

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