

Chapter One

The Valley of Death & Other Hazards

Had I been asked, some years ago, “What does it take to become—and succeed as—a partner,” I might have responded as follows:

- Superior intelligence;
- Top academic qualifications;
- Innate legal talent;
- An exceptional ability to drive deals or win cases;
- Proven expertise in a specialist area;
- A depth of experience, along with a strong track record;
- Ambition, hard work, and a provable history of strong billable hours; and
- The ability to deal effectively with clients and colleagues.

And it's true that these qualities have traditionally been the standard by which lawyers are judged. (Of course, there have always been those rainmakers who can generate clients and business in a way inexplicable to others—the few with a certain magic touch. But they're no longer the exception.)

The point here is that, fortunately or unfortunately, the attributes I've listed above no longer guarantee success in the law (not even in combination!); instead, today's extremely competitive legal market requires lawyers to demonstrate much more than technical expertise. We all need the “magical skills” that in the past made a partner exceptional or a rainmaker! Such attributes

are crucial for any lawyer aspiring to partnership—as well as for most senior lawyers, whether they are in-house, in a law firm, or otherwise employed.

The problem is twofold: First, too many young lawyers are busily pursuing their goals without reference to the (new) realities. Many simply don't understand the new ground rules—and who can blame them? They, naturally enough, aspire to resemble their role models—and those role models probably succeeded through technical expertise, combined perhaps with driving ambition or inspiring intellect. Thus, some young lawyers are enthusiastically (and naively) choosing to follow an outdated system.

Second, law firms are failing to adequately encourage lawyers to develop the right skills, and this only exacerbates the problem. For example, many firms still pay bonuses purely on the basis of billable hours, a practice that can actively undermine the development of those aspiring to the top tier. These law firms thus reward ambitious and technically gifted young lawyers, and give them the impression that they are doing all they need to do to succeed. So why would these lawyers think otherwise, and why would they seek to develop themselves further? (And where would they find the time to develop themselves, anyway?)

So today's lawyers need to understand and master new criteria for success. Let's examine what happens when this reality is ignored or overlooked.

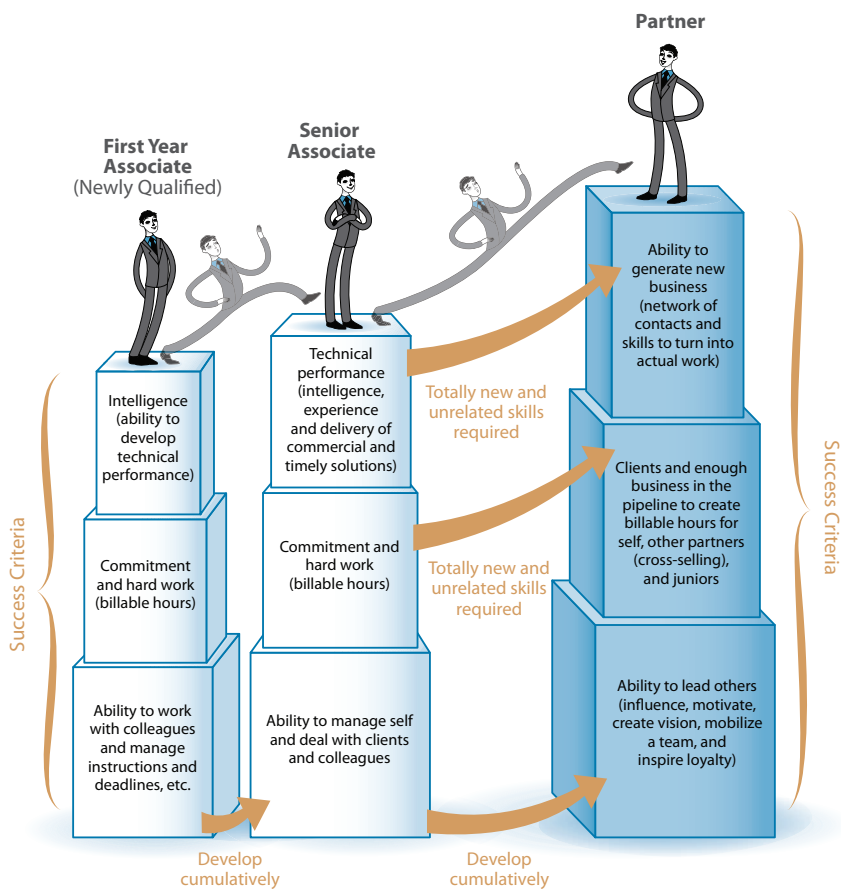
NEW CRITERIA FOR SUCCESS

As lawyers, most of our training is focused on technical ability, and in our junior years we are mainly rewarded for working hard and for delivering fast, first-rate work. However, after satisfying those standards over many years, upon approaching partnership, we are suddenly confronted by a new reality: the benchmarks for success that we've come to understand and expect abruptly disintegrate. Intense commitment and the delivery of exceptional work—in short, technical performance—have become so routine that they no longer guarantee success.

The new success criteria rely on things that may have previously seemed unimportant, at least when compared to technical performance—things like sociability, likeability (?!), and marketability. Even more problematic, it's vital to have outside interests and access to an extensive network of contacts (hands up, all lawyers who've found the time to create all that?!). Further, success today requires an understanding of how to really manage and lead others. Very few lawyers are born with such skills, and they're not likely to be developed through total immersion in technical training.

This change of objectives is so immediate that some sense a drop in performance, which can undermine their confidence. To compound the problem,

many lawyers' immediate instinct, especially if they have been superb performers to date, is to carry on as before and hope for the best—a strategy that can prove fatal! (The sad irony is that it's often super performers, or the ones who truly love the law, who are at greatest risk.)




Lawyers who learn only the skills of technical performance (the white boxes) cannot make the final leap.


As a partner, intense commitment and exceptional work are now presumed to exist and no longer represent an accurate measure of success.

The diagram above sets out the criteria used by most firms to measure the performance of each tier of lawyers. Here it becomes obvious that, in the jump from senior associate to partner, technical performance no longer factors in. Without a deeper skill set, the partner with "only" technical ability will never generate the required results.

Realizing this, I made an immediate decision to better prepare the young lawyers around me. Yet when I communicated the advice of this book (and even sought to teach the skills that long-term success would require), I routinely encountered initial resistance. These were some of the objections:




But that can't be the case! The most important thing about a lawyer has to be basic intelligence, right?



I work really hard to excel at my client work and don't have time for that other stuff.

I became a lawyer to focus on academic pursuits and delivering quality work, not networking or attending silly cocktail functions.



Frankly, I'm working really hard to be the best lawyer I can be. If I'd wanted to be a salesman I wouldn't have spent all those years training to be a lawyer!

You may have a point, but marketing activities are sooooo boring.



Sure, but I'm an expert in my field and that should speak for itself, shouldn't it?

I don't care about leadership. My goal is to be a profitable partner, not lead the firm.

Hang on, I have to meet my billable targets, right? There are no rewards in my firm for non-billable pursuits.

Believe me, I understood what they were saying! I too had enjoyed the challenges of my associate years, when each project seemed to draw out a new and exciting dimension from my evolving abilities; I'd felt confident in my work and valued by both my superiors and my clients. But when I became a partner, I realized that I had to adapt or perish—and so do you.

I firmly believe that it doesn't have to be difficult. After all, the things we must learn are very basic and easy to implement; they're skills every lawyer should have the necessary qualities to master.

IT ALL STARTS WITH AWARENESS!

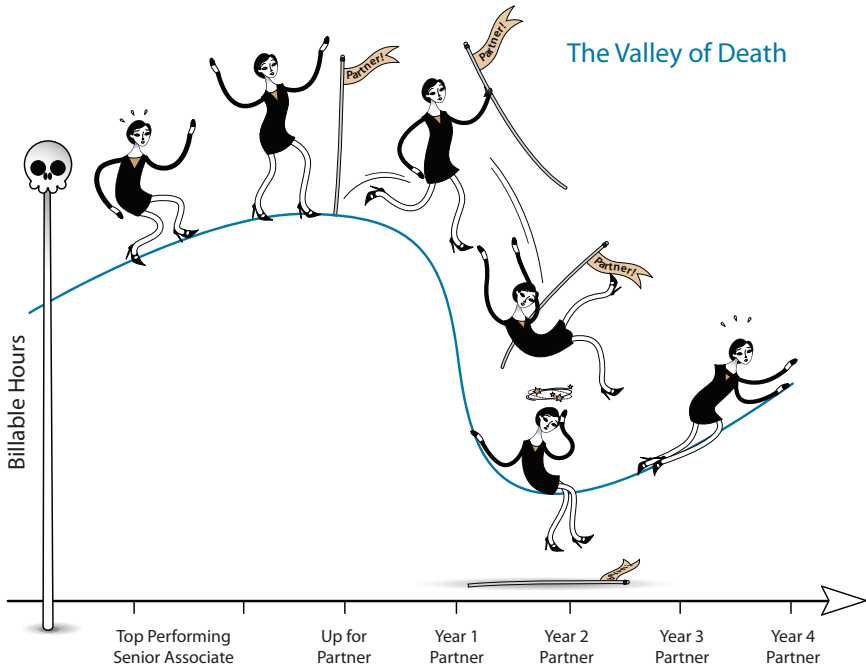
We all have the necessary skills and qualities. The trick is knowing when we need to employ them, making the decision to do so, and not giving up!

THE VALLEY OF DEATH

As I studied the training and performance of advancing lawyers, I became aware of a strong trend—something I had always been aware of, as a partner, but had never really focused on. (Have you ever bought a new car and noticed suddenly how many clones there are on the road?!) The trend was this: The billable hours of new partners tend to plummet dramatically, or, as my friend Jim calls it, they enter “the Valley of Death.”

Once I began discussing the Valley of Death with colleagues and friends, I realized that it is common to most firms. Its casualties are good lawyers, and its cause is simple: New partners are not prepared for the transition from associate to partner. Their workload as an associate is dependent on others, but once they make partner they must generate work for themselves—a task for which most of them simply lack the skills.

As I researched the Valley of Death, I observed yet another trend: the two-to-three-year partner, or partners who stumble into the Valley of Death and fail to climb out. After failing, they somehow persuade another firm to hire them, only to fall into the Valley again. These lawyers may even fail repeatedly, convinced each time that the fault lies with the firm rather than themselves. They weren't “appreciated,” their superiors or other departments were “against them,” the firm's client list was “inferior,” there were Machiavellian types conspiring against their success, and so on. Now, no one who knows anything about human nature or law firms can deny that some of these things do occur, but the two-to-three-year partner (especially the repeat offender) should seriously consider that he or she may have stumbled into the Valley of Death.



Caveat: Does the casualty actually climb out of the Valley of Death, and her billable hours increase again, as the graph shows? Or, for some, is the Valley endless?

The Valley of Death is nobody's goal, but some very good lawyers end up there. Some are naïve and don't realize that they should be focusing on a new skill set; others demonstrate an obstinate refusal to adapt. Whatever the reason, it's tragic that so many lawyers end their previously flourishing careers in that canyon! Yet the solution is surprisingly simple, so let's move into the next chapter to discover the advancing lawyer's strategies for success.