

Big Firm Attorneys v. Public Interest Attorneys

Scope of the Project and Research Methods

This paper will explore the leadership behaviors exhibited by attorneys at large firms and those focused on public interest issues at small firms/organizations by method of comparison and contrast. In order to assess these traits, I contacted four persons who are, or will shortly be, associates at large, business-focused firms and four who work at smaller organizations focused primarily on public interest issues. Each completed the Leadership Practices Inventory, and was asked to assess why they thought their scores were higher or lower in some categories as opposed to others. In addition, the following questions were posed to them:

- 1) Which skills do you consider to be the most important with regards to leadership in your profession?
- 2) Does your background as a lawyer hinder you as a leader in any way?
- 3) In what areas do you believe lawyers are typically lacking in terms of their leadership skills?

Also, I interviewed two persons from each group in conversations focused on their leadership skills.

Profiles of Study Participants

On the large firm side, the four participants in my study were:

- Δ1, who will work as an associate in litigation at Nossaman Guthner Knox & Elliott in Los Angeles.¹
- Δ2, who has worked as an associate in litigation at Orrick Herrington & Sutcliffe in Sacramento since 2003.
- Δ3, who has worked as an associate in litigation for Reed Smith in Oakland since 2004.²
- Δ4, who will soon begin work as a summer associate in corporate transactional work at Heller Ehrman in Menlo Park.

¹ Δ1 is the subject of one of my interviews.

² Δ3 was also interviewed.

On the public interest side, the four participants in my study were:

- Π1, an in-between-jobs attorney formerly employed by The Lucas Law Firm in San Francisco, a small plaintiff-side employment law practice.³
- Π2, an associate with Baker Law Corporation, an immigration firm in San Jose, since 2004.
- Π3, a director with the Equal Justice Society in San Francisco since 2005, whose work is currently focused on post-Hurricane Katrina litigation against FEMA.⁴
- Π4, an associate with the Equal Justice Society since 2005 who is also engaged in FEMA litigation matters.

Leadership Practices Inventory Results

Participant	Model the Way	Inspire a Shared Vision	Challenge the Process	Enable Others to Act	Encourage the Heart
Δ1	34	18	28	37	30
Δ2	37	33	35	44	36
Δ3	39	27	41	41	34
Δ4	40	20	34	47	38
Average	37.5	24.5	34.5	42.25	34.5

Participant	Model the Way	Inspire a Shared Vision	Challenge the Process	Enable Others to Act	Encourage the Heart
Π1	51	46	44	53	56
Π2	40	40	29	46	35
Π3	58	60	59	59	59
Π4	31	37	36	37	29
Average	45	45.75	42	48.75	44.75

Analysis of Results of the Leadership Practices Inventory

1. Model the Way

Scores on the large firm side did not vary by much. Δ1 and Δ2 both noted their surprise at scoring as high as they did in this category relative to others. Δ1, however, determined that the score made sense nonetheless: “The opportunity for me to lead other than through my work habits is rare. In some situations, the only thing I can do is work

³ Π1 was the subject of an interview.

⁴ Π3 was interviewed for this project.

hard and act like a professional.” Δ2 voiced similar sentiments: “My style is more to lead by example.” Δ3 and Δ4 both stated that in a large firm environment, leading by example is often preferred to more visible forms of leadership, particularly for younger attorneys.

Scores in this category on the public interest side were relatively high across the board, and the participants’ comments reveal why: each of them hold themselves to a high standard that they expect others to uphold. As Π2 noted, “You can’t expect others to adhere to a standard you have created if you yourself can’t even adhere to it.” Π4 expressed her disappointment that she didn’t score higher in this category, stating, “I generally hold myself to higher standards than I hold others.” Π3 mentioned that “modeling the way” is contagious within her organization: “[T]here exists a common commitment towards achieving the highest standards amongst nearly everyone I work with each day.” Π1 also expressed the importance of setting a good example in more general terms.

The overall theme that emerged from this category of the LPI was that attorneys value leadership by example as an important trait. In the large firm atmosphere, this may be attributed to the fact that this may be the only way in which a non-partner has a chance to exploit opportunities for leadership. In the public interest context, perhaps the attorneys’ desire to change society in some way contributes to their expectations that attorneys set examples for others to follow.

2. Inspire a Shared Vision

Large firm attorneys scored the lowest in this category relative to others by a wide margin. The reasons cited for this by the study participants indicate that this may be a function of the large firm environment, as well as their relative lack of seniority in their

firms. Δ1 stated, “I may have the ear of younger associates, but few of the more experienced partners in the firm really care what my vision of the firm is.” Δ3 had similar comments: “[T]he corporate structure of my firm does not really allow less experienced employees the opportunity to take initiative. As such, it is difficult for less senior people such as myself to either know what the shared vision is or how to inspire it.” Δ2 expressed a general disinterest in inspiring a shared vision in others altogether: “I am not into motivational or inspirational speaking when it comes to leadership style.” Δ4 was similarly dismissive.

On the public interest side, Inspiring a Shared Vision was among the highest scores. It appears that the passion these attorneys hold for their work is a primary factor in this phenomenon. ¶4 notes, “This likely comes from my belief in the integrity of every person, as well as my deep conviction in the principles for which I work. If this is indicative of leadership ability, I imagine it is because conviction tends to inspire others, as does the knowledge that one believes in and supports others’ abilities and endeavors.” ¶3, who works with ¶4, is largely on the same page in this category: “This may be the highest score for me because it is the driving force of our daily efforts to better our society.” ¶2 also cites inspiring a shared vision as an important component of her work: “I think this was one of my highest scores because I am very vocal about things and when I have ideas I share them with my supervisor and others at work. I think it does help to reinforce a common goal and it inspires others to think about and express their ideas for the future.”

Based on these results, it appears as though attorneys in large law firms either do not care to attempt to inspire a shared vision in others, or they simply have not had the

opportunity to do so due to their standing within their respective firms. Public interest attorneys, on the other hand, seem consider it part of their job to do so. In my opinion, this may be partially attributed to the goals of each type of practice. Large firms strive for efficient solutions, which tends to narrow the scope of corporate visions to the results, and narrows the scope of one's vision. Public interest organizations, on the other hand, advance the agenda of societal change, which is largely about process, and therefore requires a more expansive vision. Thus, it is arguably more important for attorneys in public interest practices to strive to inspire vision in others.

3. Challenge the Process

Attorneys on the large firm side expressed caution in their responses to this category. Δ4 wrote, "There's only so much you can challenge before you're getting sanctioned." Δ1 was similarly careful in his response: "There are ways to challenge the process, but you have to be careful. Challenging the process as a young lawyer may be a good way to lose your job if you choose the wrong time to do it." That said, Δ2 noted, "I think that I do think its important to look for solutions, and new and creative solutions if what we're doing isn't working."

Public interest attorneys are much more willing to challenge the process, as indicated by their LPI scores and their responses to the accompanying survey. Π3 mentioned that the philosophy of her organization is intertwined with this behavior: "Every day is about changing the status quo that prevents and precludes equal opportunity and equal access to all facets of our society." Π4, as Π3's co-worker, espoused similar notions. Π1 stated, "I like to challenge processes and make things more efficient." Π2 was the lone public interest attorney who did not score fairly high in this

category: “I think this was my lowest because I have a tendency to get caught in the routine at work. Sometimes I get so busy that I don’t think about how what I am doing can be bettered but I am just thinking about getting it done in the limited time period I have.”

I asked [J]3 for her opinion on why attorneys at large firms might feel so reluctant to engage in this behavior, whereas attorneys in public interest practices generally appeared motivated by the opportunity do so. She opined that public interest attorneys needed to have a greater willingness to take risks and stand alone until others are willing to follow their lead. In her view, large firms cultivate a culture where toeing the company line is a component of success; this idea is completely contrary to the work she does, on the other hand. “The litigation we participated in against FEMA was a direct challenge to the callous and incompetent response by our government in the aftermath of Katrina,” she noted in one of her questionnaire responses. Δ1 agreed with this assessment, noting that there were appropriate times to challenge the status quo, but for the most part, it was best not to do so in a large firm.

4. Enabling Others to Act

This category resulted in the highest score by attorneys in large firms. Δ2’s response effectively summed up the responses of the other participants: “I think these questions appealed to me because my style is more to help others do their best and to do things that will help make them successful, rather than mandating it from above. I think people accept something better if they think they’ve figured it out for themselves, and can take ownership in their own development.” Δ1 echoed Δ2’s response, and credited this type of leadership as exhibited by others as a factor in his own success: “The only reason

I am in the position I am today is because of more experienced people trusting me, and letting me take on a bigger role. I do my best to make sure anyone I work with that might be considered lower on the food chain gets to take on more difficult tasks if they are competent to do so.” Δ4 commented that “Attorneys are very much involved in enabling, whether they’re making things happen for clients or for their co-workers.”

This category also provided the highest score for public interest attorneys. Π2 feels that this is the most effective method of leadership, and believes that legal education would be more effective if this behavior were stressed in lieu of the Socratic Method. Π1 stated, “Empowering people is the best way to get things done. If they feel like their plans are important, they will really care about the outcome of a project.” Π3 gave a specific example of how this leadership trait is embodied in her work: “We worked to educate hurricane survivors of their right to seek assistance from FEMA and the federal government.”

Based on the high scores and the comments of the participants, it is clear that most attorneys feel that one of their major functions is to enable others to act. This likely explains why the large firm attorneys were so much more confident in their responses than they were in any other category. The public interest attorneys expressed similar sentiments in that they praised this behavior’s effectiveness, and seemed to adopt it as one of the more important attributes of their job. Not coincidentally, this was the category where the two types of attorneys’ assessments of their scores were most alike.

5. Encourage the Heart

This behavior tied for the second-lowest score among large firm attorneys. All seemed skeptical of its effectiveness in their respective work environments. Δ1 noted, “I

consider myself a nice guy, but I'm also realistic about treating people with kid gloves in a larger firm environment." Δ3 was even more pessimistic: "[G]iving people 'dramatic' encouragement is discouraged. People should not have to rely on the reward in order to do good work." Δ4 was equally dismissive: "Are you really asking this of a corporate lawyer?" Δ2 didn't bother to assess her score.

The public interest attorneys all conveyed their belief in this type of leadership. As Π1 put it, "Showing people that you care is most important to me. I think it's a good managerial style which works with my personality." Π3 noted that since her organization is driven to achieve a better society, her work focused on encouraging the heart. Π4 attributed her low score to the brevity of her legal career, but stated that she takes it upon herself to encourage others by discussing personal matters with her colleagues. Π2 also emphasized the personal nature of her interaction with her colleagues.

This may have been the biggest discrepancy between the two groups. The public interest attorneys all conveyed the importance of this behavior in their work. The large firm attorneys wrote it off, for the most part. While these results do not indicate that large firm attorneys don't believe in this type of behavior, it is fair to say that the participants in this survey did not believe it was necessary to achieve success. The public interest attorneys, on the other hand, seem to believe that encouraging the heart is critical to their success.

Questionnaire Analysis

Which skills do you consider to be the most important with regards to leadership in your profession?

The public interest attorneys tended to give answers that focused on the “human” side of their work. ¶1 believed that lawyers should focus on supporting their colleagues, while ¶4 cited “strength, empathy and intelligence” as important skills to have. ¶2 also cited empathy, as well as “understanding human nature.” ¶3 thought that inspiring a vision that enabled others to challenge injustice was the most important leadership skill in her work.

The large firm attorneys focused more on productivity in their responses. Δ1 believed that “getting people on board” was an effective way to achieve desirable results. Similarly, Δ3 and Δ4 identified consensus building in their responses. Δ2 thought that self-motivation was an important trait.

Does your background as a lawyer hinder you as a leader in any way?

This question produced some unexpected symmetry across the boundaries of the two groups. Both ¶2 and Δ3 maintained that attorneys are too argumentative,⁵ often at the expense of productivity. ¶1 and Δ2 cited lack of creativity as a hindrance. ¶1 stated that the importance of precedence often dulled her thought process, while Δ2 thought that the daily grind of legal work prevents her from thinking “big.” Δ1 and ¶3 outright rejected the notion that being a lawyer hindered their leadership capacities. ¶3 stated that being a lawyer is a “benefit, because knowledge of the law is powerful.” Δ1 said, “I think lawyers are often natural leaders because they learn to multi-task and prioritize very effectively.” ¶4 seemed skeptical that being a lawyer might hinder her leadership abilities, stating that she only held back as a leader by her inexperience. Δ4, on the other hand, didn’t believe his legal background hindered him, but declined to elaborate. Bottom line, the answer to this question really depends upon who you ask.

⁵ According to Δ3, “Getting a group of attorneys to agree on lunch is impossible.”

In what areas do you believe lawyers are typically lacking in terms of their leadership skills?

Though several participants noted “human” skills as those that are most important for a successful lawyer, the majority of the participants held that such skills are the areas in which most lawyers are lacking as leaders. Once again, P2 and A3 agreed, citing communication skills as sorely lacking in their profession. P4 and A1 both thought that lawyers are weakened by their tendency to “think like lawyers” – that is, they should not always think analytically, but instead, evaluate situations on a more personal level. P1 and A2 both cited lack of management and mentoring skills as rampant within the profession. A4 postulated that attorneys are too concerned with their work to have a social life, which could leave them socially awkward. Also, P3 opined that lawyers are often risk averse because “we are perhaps too aware of the possible consequences.”

Conclusions

This study revealed various distinctions between the two types of attorneys that participated. First, I got the sense that public interest attorneys have more invested from a personal standpoint in their work than large firm attorneys. This may explain why the public interest attorneys who participated in this project scored higher on the LPI than their private firm counterparts – their work appears to be their passion, whereas the private firm attorneys seem to treat their work as a job. The passion that I saw in the answers of some of the public interest attorneys was largely lacking in the large firm attorney responses, except when the occasion for cynicism called. Additionally, the public interest attorneys were assuredly more concerned with “human” concepts, while the large firm attorneys seemed more focused on efficiency and completing tasks.

Moreover, the large firm attorneys seemed much more risk averse than their counterparts, due in large part to the culture fostered by their employers.

Despite these differences, all participants demonstrated that they believed attorneys are effective leaders in that they enable others to act. In addition, all seemed to believe that attorneys would benefit from adding more of a “human” touch to their practice.

In sum, it seems that the LPI is an effective tool for determining what type of law one might fit in with best, as the differences exposed by the participants’ responses showed that the two groups were comprised of people with very different motivations. On the other hand, the LPI made clear that there are some traits common among all attorneys. Both sets of attorneys felt that enabling others to act was their most effective leadership trait. In addition, leadership by example is a highly valued trait by both groups. In any event, this study reveals that while attorneys in different fields adopt varying approaches to leadership, there are many traits which appear to be inherent in all lawyers.