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Research Report

What Stops High Potential
Junior Lawyers From
Becoming High Achievers?

The industry wide norm is for universities to focus their law courses on the academic foundation required to become a lawyer. The expectation is that skills required to apply this entry level of knowledge are to be developed by their future employers and by attending the Legal Practice Course.

Feedback we have collected from the legal industry is that through their experience of delivering training contracts over the recent decades and in the environment of a changing profession, there is a notable gap of essential skills that law degrees tend not to prepare their students for and that there is a requirement for change.

The industry's ask is that trainees enter the industry with a basic understanding of relevant skills that will allow them to become effective lawyers working in a service industry. Whilst the requirement for these skills might be reasonable, many universities challenge whether an undergraduate law degree is the optimal and appropriate vehicle to teach them such skills.

The objective for this research project is to identify the most critical challenges the industry faces when turning promising law graduates into effective lawyers and to generate a discussion on the most suitable approaches to provide the necessary training.

The research question is: What stops high potential junior lawyers from becoming high achievers?

This research is relevant both to university law courses and the legal sector. It offers universities an opportunity to better align with the largest industry they feed students into. This alignment is fundamentally critical as it will increase both the employability of their students and with that one of the university's key performance indicators, but maybe more importantly, their attractiveness in a competitive higher education marketplace.

For law firms this report will offer some insight and comparison into what issues the wider legal sector faces when developing their next generation of lawyers. Furthermore it will hopefully prompt a discussion on the firms' own culture as well as development programs and how they can systematically grow their talent.

This research was designed as a qualitative study with interpretative phenomenological analysis.

The research population consisted of senior staff responsible for the development of junior lawyers working under a training contract. The range of participant's roles were Managing Partners, Partners, HR Directors, Learning and Development Managers and Training Partners. The participating firms were (in alphabetical order): Ashfords, Browne Jacobson, Coodes, GA Solicitors, Michelmores, Nash & Co, Trowers & Hamlins, WBW Solicitors, Wollens, Womble Bond Dickinson.

The applied sampling strategy was to invite firms that met the following criterias:

1. More than 70 staff and taking on 2 or more training contracts per year
2. Representation of different types of firms (high-street, regional, national, international and niche firms)
3. Offices in the south west of England (to reduce travel for the research team)

The preferred data collection procedure was face to face individual interviews and focus group discussions. Because of the Coronavirus pandemic in 2 cases it was necessary to hold the interviews over the phone.

Disclaimer:

Please note that the research question has been asked about junior talent that has come straight from university and started a training contract. Other routes to becoming a lawyer are out of the scope for this research project.

This report is an interpretation of the data collected and therefore to be considered the opinion of Kies Consulting and does not represent the participating firms.

The selected sample size was large enough to meet the objectives of the project but it is to be noted that due to the natural limitations of a qualitative research approach there is a risk of potential misinterpretation of data.

In order to partially mitigate this risk it was decided to discard 79% of the collected data and only publish high frequency findings supported by at least 50% of the research population.



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Results & Discussion

Attention to Detail is Not a Skill But a Learned Attitude

Most clients will not be in a position to fully evaluate the quality of the technical work their lawyers produce on their behalf. Yet, in the words of one of our participants: *"we basically sell words and these can and will be judged by our clients"*.

Even more importantly, almost all work produced by lawyers is aimed to mitigate the impact and/or influence the likelihood of a legal risk to their client, and as such has to measure up to 0% tolerances on quality.

It was therefore not a surprise that 92% of our participants stated the need for improved attention to detail as their top recommendation for junior lawyers to work on. The common view is that quality always has to come before quantity. The observation is that junior staff are often too eager to prove themselves by rushing work deliverables and as a result actually create more work not only for themselves but also for their senior peers who have to spend an increased amount of time on quality assurance measures.

This lack of attention to detail was often cited to be the case around business writing and the following examples show how this issue is not one of skill but one of attitude:

- A lack of clear structure that guides the reader;
- Lengthy paragraphs with technical language (legal terms and latin) rather than succinct explanations that are readable for a layman;
- Basic grammatical mistakes such as the use of apostrophes or the correct use of *Yours Sincerely* and *Yours Faithfully*;
- A lack of sensitivity to the right tone of written correspondence.

Research Data	
Weighting: 92%	
Data Occurrence per Type of Law:	
Commercial & Corporate	●
Employment	●
Family	●
Litigation	●
Land & Property	●
Private Client	●
Data Occurance to Firm Size (#Staff):	
<100	●
100-400	●
400-900	●
900+	●

Key Finding No. 1

Discussion:

According to our participants most trainees face this issue to begin with but most will eventually learn to meet the required quality expectation. This would suggest that students have to adjust their definition of what “good” looks like when they join the workplace.

How can law firms catch this issue early and systematically in a junior lawyer’s development?

There is of course a difference in the definition of good quality work in a law course and in a law firm’s workplace where an academic deliverable would have to meet different standards than client communication. However, from the feedback and the given examples, it would seem that this is not the only root cause for this gap. Therefore the wider question is: are students made conscious of their personal effectiveness and how to develop it?

How could a transition into the workplace be improved or preempted?



Key Finding No. 2

Being a Lawyer is Perhaps More Emotionally Challenging Than it is Intellectually

The law sector is a hostile environment. There are of course variables such as the area of law or a firm's culture, but in general it is a career choice that will consistently expose one to more emotional stress than most other professions.











Ignoring variables for a moment, it's fair to say that it is not only contentious work that is emotionally challenging but there can also be hostility internally, amongst colleagues.

Clients will more often than not be emotionally charged when they work with their lawyers as there will be something dear on the line for them.

And finally, there is the potential for a lot of confrontation and dispute between the sides involved that can, and will, get unprofessional and personal either by human nature as a response to stress or as a tactical measure.

Our participants were clear in their feedback and emphasised how "make or break" the ability to quickly build resilience and perseverance is. The offered perspective and recommendation is that all areas of law have their own challenges and that a young lawyer will have to be very clear on who they are, what their strengths and weaknesses are and what their character traits are. Only from that knowledge base should a decision be taken on what area of law will be most suitable but also offer the greatest opportunities for career growth.

Another point raised was that emotional challenges are not only related to confrontation, but in most cases, the way we relate to other people and apply our emotional intelligence.

Research Data	
Weighting: 83%	
Data Occurrence per Type of Law:	
Commercial & Corporate	
Employment	
Family	
Litigation	
Land & Property	
Private Client	
Data Occurance to Firm Size (#Staff):	
<100	
100-400	
400-900	
900+	

A lawyer who does not have enough interpersonal skills will be unable to build the necessary rapport and trust with their clients or be able to influence other stakeholders by effectively applying practices like empathy or active listening.

A common observation is that young talent who joined a law firm with more than just an academic background, having already gained work experience in other sectors, not only brings some of these skills with them but more importantly develops them much quicker.

It is these interpersonal skills and what is classed as emotional intelligence that will allow a successful lawyer to manage upset customers, handle one's own and others' stress, keep a cool head in a heated high stake discussion and ultimately be able to effectively influence all types of stakeholders.

Discussion:

How do you build emotional intelligence and resilience to stress and confrontation?

Both are practical skills like many others that can of course be learned. Surely some people will have favourable characteristics, talents and interests that will have helped them on their learning journey, but at the end of the day there are two components that are required to master these skills. Real world exposure and practice is surely one component but also, and more importantly, when trying to effectively improve one's capabilities is the insight into oneself and the knowledge of how to influence others.

What are the habits that differentiate a resilient colleague from one that is easily stressed? What do they know that others don't?

What is emotional intelligence theoretically and how to apply and improve it in practice?

What cue does a human respond to that influences their trust? How does influence work on a psychological level?

Key Finding No. 3

At the End of the Day a Law Firm is a Commercial Enterprise

Based on our research law students named the following 3 key reasons on why they chose to start a career in law:

- To help people;
- To start a lucrative career;
- To take on a challenge.









Yet despite a clear financial motivation being in the above top 3, the majority of our participants agreed that a lack of commercial awareness is a highly critical skill gap.

The observation is that the majority of junior lawyers do not appreciate that a law firm is ultimately a commercial enterprise.

The expectation is that all employees of a firm understand the fundamentals of how their performance impacts the firm's ability to pay salaries. This would include knowledge of accounting mechanics such as WIP, Lock Up, P&L, billability targets and arguably more importantly, a commercial mindset. A mindset that appreciates the need for invoices to be paid, costs to be covered and thrives for growth across departments.

Interestingly, a common theme emerged on this finding, but also others, where our participants agreed that junior talent that has had some prior working experience outside of law (i.e. working in their family business, or in hospitality, etc.) are far better equipped with a commercial awareness.

When it comes to awarding training contracts this advantage of commercial, service or management experience is so strong that 71% of participants stressed how it would help a 2:1 degree candidate trump an in other terms comparable competitor with a first degree.

Research Data	
Weighting: 76%	
Data Occurrence per Type of Law:	
Commercial & Corporate	
Employment	
Family	
Litigation	
Land & Property	
Private Client	
Data Occurance to Firm Size (#Staff):	
<100	
100-400	
400-900	
900+	

Key Finding No. 3

Discussion:

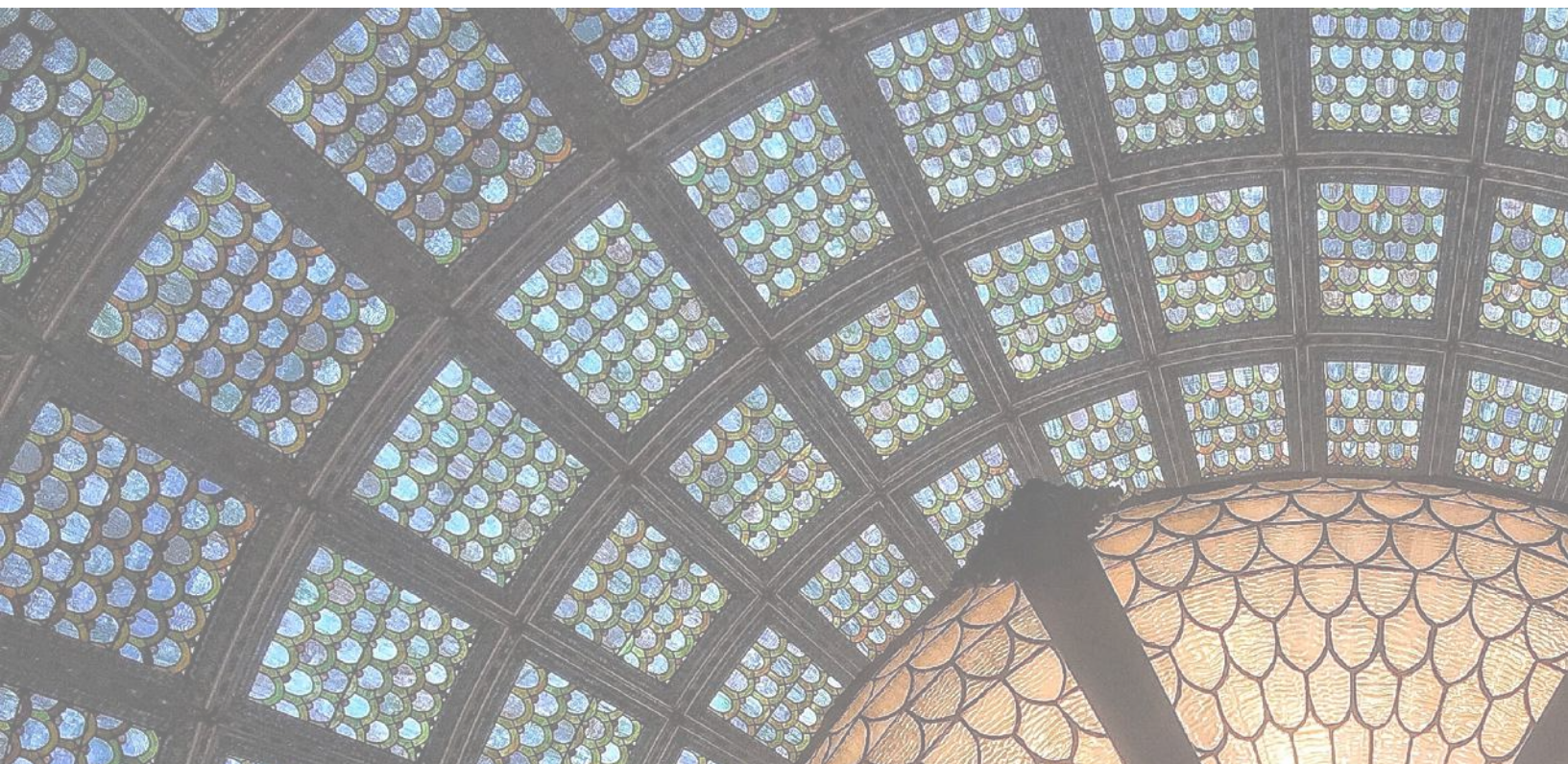
Almost all students will, if not in law than in other sectors, join a commercial workplace. However charitable the organisation's objectives are it will always rely on making due with the resources available. Therefore a lack of commercial awareness is something that will impact all students' effectiveness once they join the workforce. But what are the components of commercial awareness?

A part of it is clearly some accounting fundamentals and potentially the right theoretical knowledge to drive growth. How can and should this theoretical foundation be taught effectively?

But another critical part will be the experience of working in, or even better running, a business.

How can a law course offer guidance or even opportunities to collect commercial experience?

What other systematic options should law students be offered to collect that experience?












Key Finding No. 4

Working Long Hours is the Opposite of Being Effective

Working in the legal sector is hard and it's a common perception that lawyers have to work nights and ditch their private life if they want to make a noteworthy career in law.

Now this may not be true to all areas of law, sizes, and cultures of law firms, but there are plenty out there that justify this stereotype. No matter the above variables a majority of our research participants agreed that most junior lawyers struggle to establish the necessary work ethos.

Research Data	
Weighting: 62%	
Data Occurrence per Type of Law:	
Commercial & Corporate	
Employment	
Family	
Litigation	
Land & Property	
Private Client	
Data Occurance to Firm Size (#Staff):	
<100	
100-400	
400-900	
900+	

Highlighted improvement opportunities were the need for greater flexibility, better reliability and consistency as well as commitment and loyalty. Examples for the above areas shared with us were:

- Punctuality;
- Proactively asking for work “What else could I do for you?”;
- Working long hours to meet deadlines;
- Transparency about mistakes or potential risks to deliverables;
- Underpromise and overdeliver;
- Critical reflection of oneself and the team on effectiveness;
- Proactively offering ideas for process improvement and business growth.

Whilst the first 5 examples can be quite typical during the transition of junior staff from an academic world to a commercial one, the last 2 are particularly interesting.

The legal sector is not particularly well incentivised to improve its service offerings, for many reasons, which leads to a notable portion of lawyers who would not describe themselves as professional service providers working in a commercial enterprise. “The customer is king” is something this part of the legal sector has not had to adapt to.

According to our participants, young talent in their teams provides a fresh pair of eyes whose perspectives are opportunities to review and improve the way the firm services their clients.

The same participants also spoke at length about the pressure law firms are facing in a changing profession where clients are making better informed legal service buying decisions and where work no longer lands on the lawyers desk in the same way it once did.

Interestingly participants with this view also felt it was unacceptable to have their staff work long hours on a regular basis as they see this as a symptom of inefficiencies or ineffectiveness in the way an individual or a team is working.

Discussion:

Not every firm will require the same work ethos as their cultures, values and ultimately strategy will vary significantly. But from the feedback we've collected there are attributes which their youngest talents generally have to grow into.

Maybe not dissimilar to other points raised in this report there are naturally differences between the ways of working in academic and commercial settings. Are there potentially things a university could do differently to better prepare their students?

Clear expectation setting of what the commercial world will be like was one suggested option. But how do you teach work ethos? This is something that must be lived, that must be experienced in practice. However when we look at the above criticised examples they are not difficult to do; they are a mindset and mindsets naturally start within ourselves and are influenced by the level of knowledge we have about ourselves, of who we are and what we want. This particular knowledge is referred to as Personal Effectiveness, which is a theoretical skill, rather than a practical one. This is potentially something young lawyers could benefit from whilst still at University in an effort to guide their career decisions and with that create the necessary commitment to work hard. Alternatively it could be introduced once they've gained some initial experience of the commercial world to help them shape their career from that base.

Shaping the necessary mindset that will drive work ethos will have a much wider impact; it has the potential to improve mental health, loyalty and ultimately make junior staff more productive rather than just busy.

A Firms' Mistake Culture Grows or Stifles Their Talents

A client's expectations on the quality of a lawyer's output is exceptionally high. Almost all legal offerings are selling a promise of perfection and of outstanding service to navigate their clients' often complex and high impact legal risks.











Due to the human nature involved in providing these services this promise is very hard to deliver on day after day and case upon case. Oversimplified and in a nutshell, this is only being made feasible by employing the smartest of people that apply categorical and analytical thinking, take unwavering ownership of their client's work and have a perfectionist approach to delivering excellence.

In this environment of high expectations and the pressure that comes with it our research has come across a common thread of how this approach drives a significant risk when thinking about the development of junior talent.

As we become more senior in our profession we get a better sense of "right" or "wrong" approaches to issues. This sense in its core has to be built by learning through observing success but also, and arguably more effectively, by learning through your own and other's mistakes.

Yet it is the firm's culture that will decide if mistakes can either be the starting point of a learning opportunity or, not uncommonly, something deemed shameful and demeaning to one's personal brand.

To build an effective and well balanced mistake culture in the above described environment is by no means straightforward. But the feedback we've collected is clear; without an open and positive mistake culture a firm will not be able to capitalise on their talents, will stifle their personal development and even disengage potential high performers.

Research Data	
Weighting: 54%	
Data Occurrence per Type of Law:	
Commercial & Corporate	
Employment	
Family	
Litigation	
Land & Property	
Private Client	
Data Occurance to Firm Size (#Staff):	
<100	
100-400	
400-900	
900+	

Key Finding No. 5

Discussion:

Culture is a very difficult topic. It's complex, highly subjective and people associate a lot of emotions with it. And naturally there is no cook book that can be followed to rectify a firm's culture.

Having said that, when it comes to a mistake culture that thrives for not only the development of the individual but maybe more so the continuous improvement of the firm there are a few signposts that should be considered.

At its core it will come down to trust. Does the management frequently and genuinely engage in a dialogue with employees across all levels?

What is a firm's focus on continuous improvement and learning and development?

Who drives change? Is it top-down orders that are being implemented or rather a bottom-up drive for improving the client service?

What about mistakes? Does the management openly talk about the mistakes it makes and how it worked hard to learn from them? Or might it be a blame culture that punishes mistakes?

Ultimately if an organisation is truly performance driven and holds itself accountable for continuous growth it will not be able to ignore the above questions.





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Secondary Finding

Deciding Factors Awarding Training Contracts

Out of scope of this project but key messages nevertheless.

A strict vetting process filters out candidates that are not strong enough with their foundational legal skills.

But this is not to say that legal skills are the absolute and single deciding factor. Our participants emphasised how a first degree is no guarantee in getting a training contract with them.

Candidates must consider the following critical criteria. Does the candidate:

- Know the firm and why it's a good fit for them?
- Really know the area of law they applied for and do they know why it's a good fit for them personally?
- Fit the team's and firm's wider culture?
- Have work experience relevant (i.e. customer facing, management, service, etc.) to providing law services?
- Appreciate the commercial aspects of working as a lawyer?
- Know the market the firm operates in?
- Appreciate the learning journey ahead?

Some other does and don'ts we learned:

- Demonstrate commitment, flexibility and work ethos
- Ask for the chargeable hours target to draw conclusions on the firm's culture
- Don't ask for annual holidays in the interview
- Be positive
- Hold eye contact
- If unsure always confirm what is meant with a question
- Tailor your application to each firm and emphasise your personal aspects that make you a relevant candidate
- Demonstrate good work ethos by preparing specific and relevant questions
- Bring your notes to demonstrate your preparation
- Network (i.e. at local chamber or industry events) to get to know the commercial world you are about to enter
- Gain work experience with charities providing legal advice (i.e. law centres and free Legal Advice Clinics)
- Visit courts to get a "feel" for the industry

The logo for KIES Consulting is a teal circle containing the text "KIES" in large, bold, white capital letters, with "Consulting" in a smaller, white, sans-serif font below it.

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The background of the slide is a photograph of a large, modern glass atrium. The structure features a high ceiling with a grid of glass panels supported by a metal frame. Sunlight filters through the glass, creating a bright and airy atmosphere. In the lower right corner, the green fronds of a palm plant are visible, adding a touch of nature to the architectural scene.

Conclusion

We have thoroughly enjoyed our discussions with our very generous participants. The feedback shared with us has been extremely informative and it became clear to us just how big the impact these issues are for firms. Our research has been met with great eagerness by some of the region's most respected firms who are excited to develop a productive discussion on how to maximise their biggest investment; their junior talent.

Our key takeaway from the research is that whilst a graduate is offered a training contract because they are clearly smart and capable, the deciding factors of who will be the front runners, who can and will push ahead of their peers and become high achievers, is not just down to legal excellence. Effectively, the issues highlighted to us are practical business skills, core to most high skilled professional services organisations and demonstrate how a modern law firm is required to be client centric and not just deliver excellent technical work but also excellent service.

Irrespective of whether universities or law firms pick up the baton in resolving these issues, all practical business skills have a theoretical foundation and the feedback we have received suggests it to be ineffective to rely on an approach of unstructured learning by observation and imitation. Practice orientated and experience driven learning and development programs must be designed to lower the resource burden on senior staff coaching younger talent and to speed up the return on investment on a firm's training contracts.

Another interesting thread that emerged throughout our discussions is that previous service experience in other industries is a common denominator of exceptional talent. This project did not have the scope and therefore resources to explore this thread in enough detail but it seems that in our participants' experience learnings from other service industries can be advantageous if incorporated to the service they provide.

Of course not one size fits all. As the diverse field of participating firms suggests, all have differing needs to support their business. Having said that, there are some common threads we have highlighted in our report with the aim to further a discussion on how to improve the career opportunities for the young talent law courses produce.

Let's keep talking!

A handwritten signature in grey ink, appearing to read 'M. Schauer', with a long, sweeping flourish extending to the right.

Michael Schauer, Director, Kies Consulting

Generous Participants

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ashfords

brownejacobson^{LLP}



Michelmores^m
Solicitors

Nash&Co
Solicitors

th trowers & hamlins



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