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From Expert to Legal Leader – How to identify and unlock Leadership Potential



Over the last decade, industries and companies have been roiled by more dramatic and more fundamental change than ever before. In this VUCA (Volatile Uncertain Complex Ambiguous) world, we have seen organisational boundaries blur and leadership increasingly challenged. Law firms and the legal in-house function have not been immune from this turmoil. Challenges include, inter alia, new business models triggered by disruptive technology, generational shifts in the workforce, increased public scrutiny, heightened cost pressure leading to near/off-shoring of legal activities and to the need to digitise processes and make effective use of AI in order to increase quality and speed of legal advice. In times where everyone is under constant pressure to perform and excel, those amongst us who have a sense of purpose do have a compass that the rest of us suffer without. Hence, the ability to shape and build a value based law firm/legal department culture that inspires everyone to thrive and work towards a common purpose is becoming a key competitive advantage.¹

Shaping the purpose and transforming culture of organizations and law firms means that legal leaders increasingly need to ask themselves questions like these:

- How much do I question the status quo?
- How much do I proactively encourage experimentation and disruptive perspectives?
- Do we have an inspiring and shared purpose for our firm/department?

- How does this purpose translate into goals and behaviours? Is it understood and embraced?
- Who are the lawyers in my organization with the potential to develop into leadership roles? How can I help them grow?

«Making the shift from legal expert to leader takes deep work on the level of personality, motivation and identity»

Our experience shows that the biggest differentiator of inspiring and transformative leaders is their ability and willingness to transform themselves.

Making the shift from legal expert to leader is not easy, as it takes deep work on the level of personality, motivation and identity. Indeed, only a relatively small number of lawyers want to be leaders. Rather, the majority of law school graduates aspire to become the best lawyers in their particular field, especially if they are joining a law firm as their first employer. We will share our thoughts on how to unleash leadership potential and make the shift from expert to an inspirational legal leader, capable of shaping purpose and driving cultural change; but first, we will lay the foundation by sharing a few thoughts around leadership potential.

How to get Potential right?

In our daily work, we regularly encounter three approaches that are used to identify leadership potential: equating current performance with potential; equating experience with potential; leaving the identification of potential to intuition; or a mix of all three.² None of these approaches withstands further scrutiny as our research and experience shows.

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¹ In that context it is interesting to note that when looking at the current study of the most attractive Swiss employers for young legal graduates, the government and related authorities as well as NGOs take a prominent place in the top rankings next to prestigious law firms and global banks (available under <https://mostattractiveemployers.ch>). While this development might be linked with an increasing wish not to dedicate one's life entirely to the job, it might also reflect a desire for the new generation of lawyers to dedicate their time and passion for organizations with a clear and appealing purpose and a value based, inclusive culture. The building of an inclusive culture is all the more important given the fact that the numbers of female law students is increasing while the overall attractiveness of legal studies is decreasing (see THOMAS MÜLLER, Jus-Studium verliert an Beliebtheit, Plädoyer 3/2019).

² <https://www.egonzehnder.com/insight/to-get-diversity-right-get-potential-right> (last visited on 30 October 2019).

«Research and observations show us repeatedly that only a minority of current high performers have genuine potential for leadership»

We often come across leaders who excel in their current roles, but whose leadership potential indicators (which we will describe in detail below) are nothing out of the ordinary.³ Only a minority of current high performers is actually high on leadership potential and one cannot therefore equate the two. Our research and observations show us repeatedly that only a minority of current high performers have genuine potential for leadership. Conversely, high potentials who are not ideally placed in their current role and therefore do not rank among the top performers can disappear from the radar altogether. Consider the consequences of this: the organisation may invest in individuals who have little potential beyond their current role, while those with high potential are overlooked and may be lost to the competition.⁴

Equally problematic is to assess readiness for a bigger role, i.e., partnership for example, while giving undue weight to experience. This approach overlooks that one cannot predict the future by merely looking at the past. Overvaluing experience may also unduly penalise people who have not followed a traditional career-path or taken a time-out for family responsibilities.⁵

«We are all prone to unconscious biases, including self-serving biases and the so-called «mini-me» effect»

Relying on intuition alone when we identify potential gives free reign to conscious and unconscious biases of all sorts.⁶ Leaders who assess potential based on intuition will say: «I know potential when I see it!»⁷ As we are all prone to unconscious biases, including self-serving biases and the so-called «mini-me» effect, what these leaders will most often identify as potential is a young version of themselves.⁸ How often have we all taken someone under our wings because they reminded us of our younger selves (they may look like us or may have studied at the same University, etc.)? This is an understandable human tendency. What is crucial, however, is that we become aware of these unconscious biases. If one approaches potential identification by intuition we give free reign to biases that prevent us from a more accurate interpretation of behaviour, character and motives of talent that differ

from us.⁹ Those who take talent decisions ranging from hiring to promotion and succession planning need to be aware of their unconscious biases as otherwise those who are seen as different (from themselves) are usually disregarded.¹⁰ In a still male dominated environment, the described flawed approaches to identification of potential can therefore have the additional important and often underestimated effect to disadvantage female talent.¹¹

«Assess individuals with respect to four traits: Curiosity, Insight, Engagement, and Determination»

How, you will ask, shall we then go about potential identification? At Egon Zehnder, we have developed a scientifically based model for measuring potential.¹² Potential means an individual's capacity for personal and professional growth at work. Analysing an individual's potential means looking at their ability to handle familiar or current challenges even more effectively and, most importantly, his or her ability to adapt to complex challenges that are still unknown. We took as our starting point the findings of high-profile researchers in this field, configuring the resulting model of potential by feeding in the empirical and experiential data yielded by many years of executive assessment practice. We followed this up with an intensive test phase in which we trialled the analysis tool in a large number of organizations. This potential model assesses individuals with respect to four traits: Curiosity, Insight, Engagement, and Determination. These four core aspects of potential of course affect many of the established leadership competencies, including those that are key for (future) law firm Partners such as, inter alia, drive for results and commercial orientation or for (future) General Counsel such as for example strategic orientation and ability to influence stakeholders.¹³ Yet, the key to understanding the traits that indicate potential is their predictive character; in other words, they do not describe current levels of attainment, but provide insight into how an individual's specific competencies could develop in the future. As set out above, when de-

³ <https://hbr.org/2014/06/21st-century-talent-spotting> (last visited on 30 October 2019).

⁴ <https://www.egonzehnder.com/insight/to-get-diversity-right-get-potential-right> (last visited on 30 October 2019).

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.; <https://www.cipd.co.uk/knowledge/culture/behaviour/recruitment-report> (last visited on 30 October 2019).

⁹ Ibid.

¹⁰ <https://www.egonzehnder.com/insight/to-get-diversity-right-get-potential-right> (last visited on 30 October 2019).

¹¹ Ibid.

¹² Our model has been published in major media: CLAUDIO FERNÁNDEZ-ARÁOZ, ANDREW ROSCOE, KENTARO ARAMAKI: Turning Potential into Success: The Missing Link in Leadership Development. Harvard Business Review, November 2017; Francesca Gino and Bradley Staats: Why Organizations Don't Learn: Our Traditional Obsessions—Success, Taking Action, Fitting In, and Relying on Experts—Undermine Continuous Improvement. Harvard Business Review 93, no. 11 (November 2015); CLAUDIO FERNÁNDEZ-ARÁOZ: 21st-century Talent Spotting: Why Potential Now Trumps Brains, Experience, and Competencies. Harvard Business Review 92, June 2014.

¹³ BJARNE P. TELLMANN, Building an Outstanding Legal Team: Battle-Tested Strategies from a General Counsel, Globe Law and Business, 2017.

ciding who should be developed or selected for higher-level roles, for example partnership, it is not enough to focus exclusively on the present. Ensuring accurate talent promotion and levelling the playing field for diverse talent requires a rigorous model of potential that neither confuses it with experience and performance nor leaves the potential identification to intuition.

The four potential traits can be summarized as follows:

1. Curiosity means that someone is driven to proactively seek understanding and new learning through gaining new ideas, experiences and information. People who show high curiosity are energized by change, experimentation and feedback. It is not just curiosity about the world or business, but importantly, curiosity about yourself, that is the crux.

Do you foster a culture of regular and candid feedback?

2. The second potential trait, Insight, means the energy that someone gets from processing a vast range of information from many kinds of sources and uses it to shape insights that make sense of ambiguity, simplify complexity and break the status quo. This is where conceptualization and creativity meet.

How often do you create simplicity out of complexity?

3. A person who is high on Engagement connects with people because he or she resonates with their motivations, priorities and logic. Their enthusiasm, energy and sense of purpose are infectious and they engage the hearts and minds of others to deliver shared objectives and mutual benefits. They gain energy from authentically connecting with others and understanding them at a deeper level.

How often do you leave a meeting with an elevated feeling that you have inspired others and got their full commitment and excitement for a proposed course of action?

4. The fourth trait is Determination. This means the energy someone receives from a challenge, overcoming obstacles and the willingness to take on higher risk opportunities with ingenuity and tenacity. Individuals who are high on determination possess the self-discipline to focus and stay with the challenge and look to disconfirming evidence to stay nimble and change direction when needed.

How much do you enjoy being out of your comfort zone?

When we assess potential based on these four dimensions, we get a much more accurate picture than if we were to use our intuition or only look at experience and current performance. The next challenge is then to unlock the leadership potential.

From Expert to Leader – How to make the Shift?

Once leadership potential has been identified it needs to be unlocked. This requires a pro-active approach towards self-development. One of the first hurdles most lawyers face along their journey is what we would call the «expert identity trap.» Lawyers often identify themselves with being a strong content expert and do not primarily see themselves as leaders even if they are in a leadership position.

«One of the key qualities of effective leaders is self-awareness.»

In our work, we indeed heard from General Counsels and Managing Partners that despite their important leadership responsibilities they do not truly identify themselves as an equal member of the top leadership team of their company or as «the CEO» of their law firm. The over identification with being an expert can have a stranglehold on who we are and who we can become. Once these leaders started to work on their identity and self-awareness they are often more able to recognise their strengths as a leader and more fully embrace and fill their broad roles, not only the «expert» part of it. Only once they let go of the constant pressure of knowing all the answers were they able to let their curiosity blossom, explore the unknown and develop the ability to truly and deeply listen to the needs of their teams and their organizations.

One of the key qualities of effective leaders in law firms or legal departments or just any leader is indeed self-awareness.¹⁴ To make this point come to life, we in-

¹⁴ We believe that to credibly and effectively accompany (future) leaders as they transform their organisations we must first transform ourselves. This thought has brought us together with Mobius Executive Leadership six years ago. Our two firms have since announced our partnership combining Egon Zehnder's and Mobius' proprietary methods for accelerating the personal and professional development of senior leaders and for stimulating an organization's ability to transform. Our partnership's mission is to create a global movement nurturing a more inclusive and compassionate leadership. The Co-Founder and Chief Thought Leader of Mobius Executive Leadership, ERICA ARIEL FOX, has over many years of teaching negotiation at Harvard Law School, developed the leadership development approach «Winning from Within» which targets the performance gaps found in even the most senior of leaders and lays the basis of our firms' joint work. ERICA sees the «Winning from Within» approach as a logical next step, following two previous books originating from Harvard Law School's Program on Negotiation (PON) and with which all our readers will be very familiar with. As you will recollect, in «Getting to Yes», WILLIAM URY and the late ROGER FISHER offered the advice to separate the people from the problem. In the following book «Difficult Conversations», DOUG STONE, BRUCE PATTON, and SHEILA HEEN added the vital interpersonal advice of what to do when in fact the people are the problem in a negotiation. Now, in Winning from Within, ERICA explores the final critical dimension – what to do when you are the problem?

vite you to pause for a few seconds and reflect on the following questions:

- Are there specific situations in which you intend to do or say one thing, but then you end up doing or saying something else?
- For instance, you intend to delegate more work to a team member, but in reality, you end-up doing most of the work on your own?
- Or, you intend to give yourself some time for strategic reflections, but always end-up giving in to the ordinary daily urgencies?
- You want to improve the quality of your advice and plan to attentively listen to (external/internal) client feedback, but then you only react defensively to critical remarks?

If one of the above sounds familiar to you, you are experiencing a «Performance Gap».¹⁵ This means that there is a disconnect between what we know we should do or say in theory, and what we all end up doing in real life. In order to overcome this difference, we need to enhance our self-leadership by strengthening our ability to notice, question, and adapt our own leadership style moment by moment. No matter how many leadership tools, models, or skills we learn, we cannot truly be effective as leaders if we are not aligned with ourselves. The self is not one-dimensional. Rather, human beings contain «selves» – some of them are stronger than others.¹⁶ Neuroscientist David Eagleman describes the concept of multiplicity like this: «A person is not a single entity of a single mind: a human is built of several parts, all of which compete to steer the ship of state. As a consequence, people are nuanced, complicated, and contradictory.»¹⁷

The «Performance Gap» as described above arises when one part of our selves makes a plan, and another part refuses to stick with this plan. The solution is to increase self-awareness and explore the contradicting voices of our inner selves (we shall call them «Archetypes») and to negotiate with yourself, mediating a conversation among these differing parts until they are aligned around a plan. To use the well-researched model of ERICA FOX¹⁸ there are Big Four Archetypes that every one of us carries inside: the Dreamer, the Thinker, the Lover and the Warrior. First, the Dreamer provides strategic direction and its core strength is creativity, the Thinker considers consequences and risks and its core strength is clarity. The Lover, whose core strength is compassion, connects with and considers the needs of people. Lastly, the Warrior

focuses on execution and accountability. The Warrior's core strength is courage.

«A balanced and effective lawyer and legal leader brings together all of the virtues of their inner selves, each in its right time and magnitude.»

Fox's research and our experience show that most of us over rely on one or two of these archetypes. So, for instance, a lawyer might overuse Thinker and Warrior energies while shying away from Dreamer and Lover archetypes.¹⁹ Law school and daily pressure to deliver outstanding legal advice may have put an emphasis on this private practice lawyer's ability to applying facts and logic and consider a legal issue from all sides and angles. These are all Thinker (linked to Insight trait of the above-described potential model) sweet spots. At the same time, under pressure to deliver ever more billable hours and getting things done at a high pace requires this lawyer to constantly tap into his Warrior energy. Seldom is there time and space for creativity and even less so for compassion and building relationships that go beyond the daily tasks. We would call such a pattern the leader's Big Four Profile. Knowing these tendencies in yourself is a first step towards more self-awareness.

A balanced and effective lawyer and legal leader brings together all of the virtues of their inner selves, each in its right time and magnitude. The Dreamer (linked to the Curiosity trait of our potential model) can be of great value when shaping a compelling vision for your organisation or sharing a compelling dream of becoming a firm known as a leader in attracting and retaining diverse talent, or also in order to come up with a strategy for a complex litigation case. You might deploy your Lover (linked to Engagement trait of our potential model) when you want to develop younger team members to reach their full potential, when you need to give developmental feedback to a colleague or showing more compassion for a male or female lawyer who wants to integrate work and parenting. It will make sense to continue to deploy your Thinker when contract negotiations or court proceedings hit unexpected challenges, when you need to thoroughly analyse the problem and identify its causes or also to set clear and ambitious diversity targets for your department or firm providing analytical underpinning. You might also want to continue using your Warrior (linked to Determination trait of the above described potential model) when the deadline approaches and extra effort is called for, or when you do not want to accept failure to meet diversity targets, setting this up for success and tracking it. Conversely, if you spend all of your time living as your Warrior and Thinker you

¹⁵ This disconnect between one's optimized skills and behaviours and one's actual behaviour in a given situation or challenging moment is what ERICA FOX (refer to FN 15) calls the «Performance Gap».

¹⁶ <https://hbr.org/2015/01/the-authenticity-paradox> (last visited on 30 October 2019).

¹⁷ DAVID EAGLEMAN, *Incognito: The Secret Lives of the Brain*, Canon-gate Canons 2011.

¹⁸ See FN 15.

¹⁹ <https://www.forbes.com/sites/markcohen1/2017/07/03/good-bye-guild-laws-changing-culture/#18bdf3a170e8> (last visited on 30 October 2019).

can take bold actions and have hedged yourself against all potential risks, but you might find yourself alone and without a clear direction or vision, because your Lover and Dreamer weren't empowered to do their part. Self-mastery - as the key to becoming an agent of change and culture transformation - begins with balancing out the contradicting voices of your inner selves.

To conclude, we invite you to pause for a moment and reflect on the following:

- Which of the following gives you the most energy: solving a complex problem, collaborating with your peers, engaging in difficult conversations, or learning something new about yourself?
 - What does this source of energy tell you about yourself?
 - How can you leverage this source of energy for the benefit of your practice/team/organization?
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