

# Time for The Am Law 200 to Embrace Testing for Talent?

What law firms can learn from clients when it comes to recruiting and developing their most valuable assets.

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The partner was perplexed. He had joined a law firm after a successful stint as an in-house counsel. As he described the differences in his work, he began to talk about, of all things, testing. When he went in-house, his giant new employer had put him through a battery of personality and skill exams. As he moved into senior leadership roles, he took more tests that helped identify strengths and weaknesses for his coach and trainers. He reported that he had found those programs—both the testing and the training—to be helpful, professionally and personally. After describing his history he paused for a moment, then commented that he hadn't done anything like that since he returned to private practice. No tests. No training. No coach.

He's not alone. By all accounts, at most major firms testing and even coaching are tightly held, rarely used techniques. The firms prominent for these efforts are few: among them, Dechert and McKenna Long. Elsewhere, predictive tests are viewed scornfully, whether as lawsuit bait, or quaint curiosities, or matters best left to employment partners busy counseling their clients. This all seems odd, given how important law firm talent is at the moment. Firms now hire fewer new associates than they once did; their margin for error has shrunk. At the same time, lateral partner acquisitions continue to grow, but no one thinks the success ratio has improved. Why don't more firms use these testing techniques as a way to improve their odds?

Part of the problem, I suspect, comes down to a basic question: Can we trust these tests? To find out, I volunteered to take three, working with Larry Richard, the lawyer-psychologist who runs a consulting firm called LawyerBrain. Richard's practice and research rests on these tests, plus he's a prominent—and entertaining—advocate for them on the lawyer conference circuit. Richard had me take the Caliper personality evaluation and two others to gauge my values and emotional intelligence. He estimated that these tests would predict roughly half of my behaviors. Not perfect, just better, he said, than the favorable house odds at a casino's roulette table.

The Caliper test is the key one, a mixture of attitudinal questions and number pattern problems, which offers insights into 18 traits. On 12, Richard says, lawyers show the same distribution as the general public. The six outliers: Lawyers have high skepticism, need for autonomy, abstract reasoning skills, and urgency, but low sociability and resilience. Richard reviewed my scores and told me I was a lawyer. Proving the point, I responded by asking, Really?

The predictive value in the tests comes with the exploration of the other traits. What's your particular mix of aggressiveness, creativity, ego-drive, empathy, gregariousness, and the rest? And how do your values—tradition, pragmatism, achievement, etc.—align with your personality traits and your emotional intelligence scores?

There are several things to say about the results. First, I recognized myself in Richard's analysis, which was acute, matter of fact, and funny. Second, his report was a diagnosis, not a death sentence. Weaknesses were just that; matters to be improved, managed, or ignored. Third, for potential employers, the report becomes useful when my traits are assessed next to what they're seeking—and presumably they're not all looking for the same things. But to know that, the employers can't just guess or rely on intuition or aspiration. They need to assess themselves, as honestly and carefully as they might assess an applicant. And that can be uncomfortable, even painful. Such is the price of living the examined life. "The point here," says Richard, "is to gauge how compatible is this person with a job, a role, a culture, a place. These are all fit questions. There's no good or bad until you get to applying [the answers]."

In fact, there is some testing going on in law firms and there are plans by some entrepreneurs to do more. Consultant Caren Ulrich Stacy, most recently the president of Lawyer Metrics, says that a variety of assessment tests can be found regularly at practice group and partner retreats. In particular, she says, the Myers-Briggs personality test is the most common. "If you ask a meeting of partners how many have taken a Myers-Briggs, sometimes 90 percent raise their hands," she says. "This is the 'thinker' versus 'feeler' test. And it tells you that most lawyers are thinkers. For these purposes it's not a tool that shows huge differences."

For all its limitations, the prevalence of the Myers-Briggs in Big Law is a step forward, she says. Lawyers have to get comfortable with the idea of personality and predictive tests before they'll embrace—or even use—they. And the relatively painless Myers-Briggs exercise with one "leadership" consultant or another may provide that comfort. But it's a hard slog. The combination of lawyer skepticism and low resilience gets in the way, the latter especially. "For lawyers who take the assessment and don't like the low resilience score, for example, they may react in one of two ways: Either disregard the results or have a hard time bouncing back," she says. "If you don't believe in it or don't have enough self-awareness to reflect on what the test results are saying, then you won't use the test again."

Mark Levin thinks he can change all that by bringing some of the techniques used by National Football League teams to law firm hiring and development. Levin, a lawyer and the chief marketing officer at Chicago-based Neal, Gerber & Eisenberg, is one of the co-founders of The Right Profile.

As Levin tells it, he and his lawyer partner saw that law firms weren't using "predictive" hiring tools the way other professional service organizations were. Working with a Chicago industrial psychologist, they developed an assessment test that would identify personality and work traits in lawyers. Along the way, he merged his efforts with Robert Troutwine, a psychologist famed for developing the Troutwine Athletic Profile (TAP), which is used by professional football teams—including the hugely successful New England Patriots and Indianapolis Colts—as they prepare for the annual draft of college players. Working together, he says, they built a 22-trait test designed for lawyers.

In his experience, lawyers—and football players—fall into "clusters" of trait combinations. Different firms—and teams—have different cluster profiles for different roles and positions. The idea is to identify them and try to match them to maximum effect. "We think we can assess the culture of a firm and the likelihood of success of a candidate through scientific methods," Levin says.

He's on the verge of partnering with JD Match, the online job placement firm created by Bruce MacEwen and Janet Stanton. (MacEwen may be better known as law firm consultant and blogger Adam Smith, Esq.) "The test has no theory," says MacEwen. "Any firm can tell us who its stars are. We can test them. Then we can look at students or potential lateral associates to see who falls within their 'star cluster.'"

For MacEwen it's just another piece of important data that he says other businesses use widely. "Every other industry looks at tests," he says. "Are we saying that we lawyers are right and the rest of the world is wrong?"

A lot of the discussion tends to focus on using these tests in hiring decisions. But they arguably can be as helpful—and easier to accept—when making decisions about naming new practice group leaders or office chiefs. Understanding their

tendencies toward teamwork or rigidity or pursuit of goals may help avoid mistakes as well as give otherwise promising candidates self-improvement agendas.

To use the cliché, all of this pushes lawyers a bit out of their comfort zones. But a new era of developing human capital at law firms doesn't end with tiptoeing toward testing regimens. Even as serious business development and client management training has found its way into firms, so has a dawning recognition that these aren't just book lessons to be mastered and forgotten once the courses end. Lawyers excel at "information learning," Richard says. But this is "behavior learning" that relies on a different part of the brain.

You don't learn to dance by reading a book. The same, we know if we don't want to admit, goes for mastering, say, the quality of empathy.

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