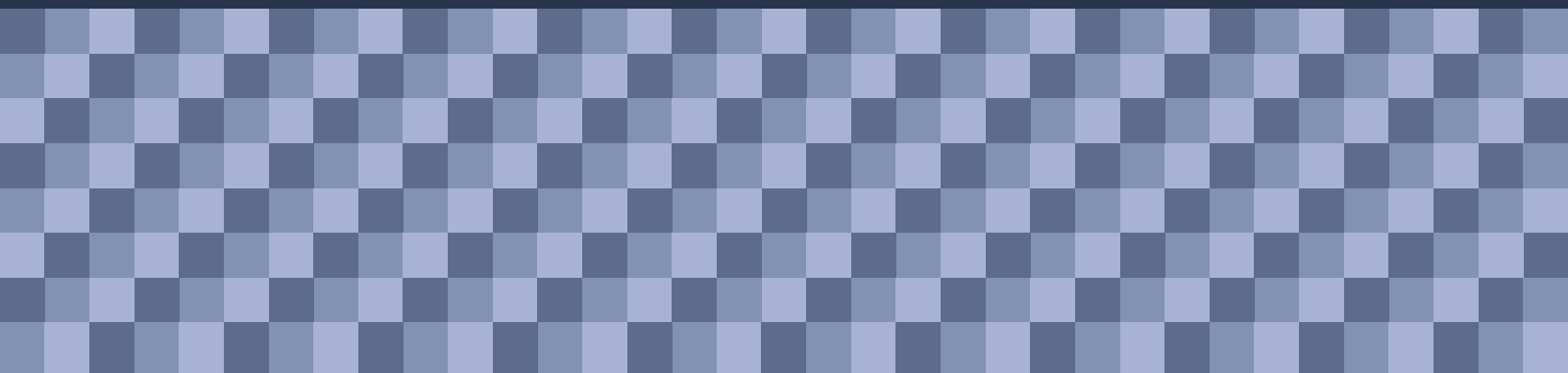


ATTORNEY SEARCH

ARTICLE OF THE WEEK

by Harrison Barnes, CEO of BCG



The Most Important Characteristic Attorneys Need to Succeed and Why It Is Almost Impossible for Them to Keep It

Summary: Learn why so many attorneys lose their confidence and why protecting your confidence will allow you to succeed when others around you fail.

There is no profession that crushes human confidence more than the legal profession. An attorney's confidence is under a consistent prolonged assault at every level of the process – from starting law school, to getting an initial job, to remaining employed as an associate, to making partner at a firm. Very few attorneys are able to practice law for their entire careers with their confidence intact.

To cope with this prolonged attack on their confidence, many attorneys do things like:

- Get sick and die
- Become alcoholics (almost 1/3 [according to this recent study](#))
- Quit practicing law
- Search in vain for a “dream job” such as [going in-house](#)

Confident attorneys are so far and few between that I can think of only one truly confident lawyer. He works in Los Angeles. I think that someone ought to do a study about him. I honestly cannot figure him out. He is legitimately confident.

“It’s just his exterior,” someone who knows him has told me. “You just need to crack his exterior and then he is a baby underneath.”

I am not sure. Besides this particular attorney in Los Angeles, the majority of attorneys I know who have been practicing for more than a few years are just steps away from breaking down, curling up in a fetal position and crying. I’m not kidding. The confidence crushing blows of the legal profession appear to be too much for most attorneys to handle.

Paradoxically, confidence is the most important characteristic for an attorney to possess in order to be successful. An attorney needs confidence to represent clients, to act “tougher” against opponents, to push through when under assault in court or at the negotiating table and more. The most important characteristic any attorney can have is confidence and it is because of this that the ways in which we screen, train and develop attorneys are so harsh. As a Darwinian-type society, we put attorneys through extreme pressure in order to ensure that only the most confident attorneys rise to the top.



Here is how confidence is shaken at every level of the legal profession:

1. Potential Law Student

When I was in college my academic advisor basically told me the following: “If you want to be an attorney your only choice is to go to a top 10 law school. If you do not go to a top 10 law school you may never find a good job.”

That was over 20 years ago and not much has changed. In order to get into these law schools you generally need to have about an “A-” grade point average or better and score at least in the 90th percentile (preferably better) on the Law School Admissions Test. Two million-plus people graduating from college each year compete for a few thousand spaces in top law schools. The odds are against any given college graduate making the cut.

There is nothing wrong with not going to a top law school, of course, and plenty of people do well and have great legal careers without doing so. But the highly selective law school admission process is the first of many ways that the legal profession is designed to crush an attorney’s (and a potential attorney’s) confidence.

Many law students thus begin their professional journeys drained of confidence, as they compare themselves to other students who got into better law schools. On top of all the other rigors of law school, these future attorneys must overcome the psychological hurdle of knowing that they did not get into an elite school and that this will potentially haunt them for the rest of their lives. Needless to say, this is not a confidence-boosting way to embark on a career.

2. The Law Student

Law students who do not attend top law schools will experience limited employment prospects upon graduation. Like serfs born into servitude, these lawyers will likely never have the opportunity to work in large law firms or to represent major important clients simply because they did not get into the right law schools.

I speak with retired attorneys all the time who for some reason feel the need to bring up where they went to law school and justify their law schools even though they went there over a half a century ago. I believe that the quality of the law school an attorney attends is largely meaningless with respect to whether or not he or she will be a good attorney, but because there are so many people competing for so few top jobs, top legal employers do not feel this way at all.

Law students are generally crushed when they learn all of this. Early in my legal career I was an adjunct professor at a fourth-tier law school. One of my former students who finished first in his class was unable to get a job with a major law firm. He had gone to the law school because after

getting the 95th percentile on his LSATs he had received a letter in the mail telling him that he could attend the school for free. He thought this seemed like a great deal and like many aspiring attorneys did not understand the rules of the game—yet.

When I explained to him that there was not really a demand in most top law firms for graduates from fourth-tier law schools (even for top graduates from those schools) he broke down crying. I was uncomfortable with this, of course, as I always am when an attorney starts crying. But that is just the way it is and at least this guy was first in his class! He eventually got a position in a national insurance defense firm making about half of what he would have made in a major American law firm. The other graduates of his law school who were not first in their class were probably not so lucky.

This attorney never got the level of confidence he needed to be truly successful. If he had such confidence he would have succeeded. Ultimately it does not matter where you go to school, but you need confidence to survive. Good grades are useful, but they will only get you in the door.

Learn more about getting into a top law school and how it is not always the most important thing to law firms in this article:

10 Factors That Matter to Big Firms More Than Where You Went to Law School: Why the Law School You Went to Ultimately Does Not Matter as Much as You Think It Does to Major Law Firms

I know plenty of successful people from this attorney's law school. One is not practicing law anymore and has a very successful finance business that involves taking a lot of risk. I cannot believe how confident this guy is and how much different his life is from the average attorney.

He took me to Las Vegas a few times where I was “comped” a hotel suite for being his guest. The room was larger than my home. The casino picked us up in a large jet. While there I watched him bet sometimes over \$250,000 a hand in blackjack while I sat there dumbly with a few \$10 chips. At the end of one weekend the casino shrink-wrapped a few million dollars or so he had won and put it in the trunk of a Rolls Royce Phantom they used to drive him to the casino's hangar. When we got to the plane they had a few people waiting to lift the money into the plane. This attorney seems to have a lot of confidence.

Another graduate of this law school has a very successful law firm that specializes in Medicare reimbursement. I do not like him very much because all he does is talk about how successful and great he is. He has homes all over the world and seems to be doing pretty well. He too is confident.

Both of these attorneys have enormous self-confidence. Without this self-confidence they would not be as successful as they are. **The law school does not matter, but the confidence does. You**



need to never lose your self-confidence. If you do not have it you need to do whatever you can to develop it.

Even attorneys from top law schools receive dings to their self-confidence as early as their first years of law school, when some get prestigious summer jobs and others do not. This is then repeated for their second summers as well. Even students at the best schools start to realize that they may never be at the top of the legal profession due to a few bad first or second semester grades.

Many attorneys crack when they are in law school and leave. Others crack when they are summer associates. Most summer associate classes contain at least one or more summer associates who cannot handle the pressure of a job inside of a law firm. Like people walking into a room full of poisonous gas, they find the atmosphere foreign and repelling and do not know how to handle it.

3. The New Attorney

People go to law school generally because they are confident. They think that with their confidence and drive they are going to be able to do great things like defend people and companies, close big deals, champion justice, and make a lot of money in the process. Most people go to law school with the delusion that they will make a lot of money, but they quickly realize that might not be what will happen.

If an attorney graduates from law school during a recession (even a top law school) that attorney may not get a job at all.

“You mean I have \$300,000 in debt and no one will hire me?”

“Yes! That’s right! Is your confidence shaken yet?”

Unless an attorney is one of a few thousand people who attends a top law school, or graduates at the top of his or her class from a less-than-stellar law school, the attorney’s odds of getting a position with a top law firm are very slim. However, even if an attorney does manage to get a position with a top law firm, the attack on his or her self-confidence continues with even more force as he or she begins a legal career in an intense law firm setting.

New attorneys in law firms need to bill all sorts of hours and work schedules that are not humane. They may be asked to work all night, work every weekend and holiday and never receive any thanks for their efforts. Moreover, because young attorneys generally have no idea what they are doing, their hard work and long hours are often initially met with harsh reviews. These reviews may be geared towards helping them become better attorneys, but poor reviews are disheartening.



Attorneys soon learn that the practice of law involves being obsessive about details, billing as many hours as possible, being subject to harsh criticism, having to impress superiors to get more work, having uncertain future employment prospects and never knowing what is around the next corner.

Many attorneys leave the practice of law after a few months of this, or find a less demanding practice setting. I see this annually as a crop of new associates starts to look for new jobs after a few months at their first jobs, in some cases even before they receive their bar results. This happens every year to young people who feel like they must change their situations in order to preserve their self-confidence, even if it drives them out of the practice of law, or out of large law firms.

The attorneys who are able to keep their confidence at this stage seem to be the ones who immediately acclimate and realize that it is all just a game. Because it is a game, these attorneys learn the rules and quickly begin doing what is expected of them. They have the ability to turn off all of the confidence-shaking negativity and play the game.

See the following articles for more information:

- [**Four Union-Like Rules of All Law Firms You Need to Know About**](#)
- [**10 Biggest Career Mistakes Big Law Firm Attorneys Make \(and 10 Ways to Survive in a Big Firm\)**](#)
- [**Top 10 Characteristics of Superstar Associates Who Make Partner**](#)
- [**Survival Tips for the First-Year Associate**](#)
- [**The 10-Step, “No-Fail” Guide to Distinguishing Yourself as a First-Year Associate**](#)
- [**Top 7 Tips for Succeeding as a First Year Associate: How to Succeed as a New Associate in a Law Firm**](#)

(On a related note, I have noticed that attorneys who start out in smaller markets, or with smaller less prestigious law firms, are generally more likely to be practicing several years hence than those who start out in major law firms in big cities. New York, for example, is the worst on young attorneys. I think that more attorneys who start out in large law firms in New York end up quitting the practice of law than from anywhere else.)

4. The One to Six Year Attorney

Attorneys are generally at their peak of marketability when they have one to six years of experience. In fact, they will likely never be as marketable again. There are several reasons for this, but the main ones are that they have proven that they have enough self-confidence not to go crazy after all they have been put through and are also presumed to be capable of being productive worker bees providing high profits to the law firm for a while.



Law firms figure that if you can make it into law school, out of law school and stay employed for a year or so you must be thick skinned enough for them to make massive amounts of money off you. You also have “learned the ropes” and for the most part now know what you are doing. When an attorney has one to six years of experience the law firm also starts to “ease up the gas” on harsh reviews because they do not want the money to stop. It is like an old television set where you have finally tuned it in to showing a perfect picture.

“Don’t mess with that thing! If you screw around with it we might lose the picture! In fact, don’t even move or we might lose it!”

As long as there is work to do, everything is generally going to be going “ok” for a one to six year attorney inside of a law firm. However, there are recessions and other issues that come up from time to time that generally will put a stop to the “holiday” that attorneys are enjoying in their one to six year run.

Also, I am not sure the word “holiday” accurately describes this point in time. What is really going on here might be better described as a “nightmare.” The attorney is expected to work as hard as he or she possibly can in order to potentially have the ability to be a partner several years hence. These attorneys are expected to get married and divorced, purchase a home they risk losing if they quit and hopefully become unable to live without a high paycheck. They must buy into capitalism at full-bore at this point and purchase the best of everything they can possibly afford (clothes, meals, vacations, cars and more), so that they can be further exploited in their pursuit of more and more things.

Unfortunately, the privilege of working inhumane hours for stressed out, overweight and pale skinned bosses does not last forever. At some point cases will settle or go away and deal flow will slow down. Now these attorneys will find themselves sitting in their offices with very little to do and in great danger of being let go. It does not matter how hard the attorney has worked or how much he or she has sacrificed, when the work slows down they may be let go. To make matters worse, if the attorney is laid off, then this becomes a black mark on his or her record and makes it exceedingly difficult (if not impossible) to get a new position.

The slowdown of work that inevitably comes at some point during the associate years is often the final crushing blow to an attorney’s self-confidence. Attorneys generally will not see the slowdown coming. At first they may find themselves leaving at 7:00 or so a few nights a week, but then they start to realize what is happening and may just lose it. I have seen formerly very confident attorneys with six or so years of experience show up in my office missing most of their nails and the cuticles on their fingers. They start eating their hands to cope with the stress.

I cannot tell you how many conversations I have had with attorneys who started crying about their futures at this point in their careers. Imagine giving your entire life to a job and profession only to



see the work go away. Then, despite the work going away through no fault of your own, you being treated like a leper because you are unemployed and at the wrong place at the wrong time. This is the definition of a confidence crusher – and it works.

The crush of the work slowdown is devastating and derails the careers of countless promising attorneys. They begin to look forward to massive workloads and inhumane hours and start to understand that all is not well unless they are working all the time.

When attorneys are practicing at less-than-stellar law firms they are generally not confident in the quality of their law firms, so they will try and leave sometime in or after their first years. Attorneys always encounter other attorneys who are at better firms in social settings or at work. Naturally competitive by nature, these attorneys always want to be higher up on the rung than other attorneys, and so they try to get hired at more prestigious firms.

- **See [Top 10 Ways Attorneys Can Move to a Better Law Firm and Get a Better Attorney Job](#) for more information.**

Regardless of the prestige of the law firm, however, the system works to crush the confidence of those working in it. Even when they are able to make it successfully through the associate ranks, attorneys will still be faced with the difficulties of making (or not making) partner and with the firm's expectations that they will bring in business. Even if they get business, it will generally not be enough and even if it is enough the law firm will likely crush their confidence there too as well. In fact, in the practice of law everywhere you turn and at every level there are people out to crush your confidence. Let me tell you a quick story from this week.

Earlier this week I was speaking with a very confident attorney from China who managed to get an LLM from a top American law school and a position with a small law firm in New York. When I first spoke with her she was very confident. She explained how she came from a rich and powerful background in China, how she had done very well in law school in China and had even been a professional athlete for a few years in China. All things considered, this would make anyone feel confident and these are all things that should make her feel confident. She spoke about all the languages she spoke and about how she would be a real asset to the legal profession.

I agreed. I was trying to find her a position with a major firm. I told her it would be a long shot and she asked me why.

“Because a major law firm has no incentive to hire you. You have no large law firm training. You are not from the United States and could leave at any time. You also need to have your visa sponsored and more. Moreover, there are plenty of American attorneys who speak Mandarin and who went to major American law schools and were trained in big American law firms. Law firms



can hire these kinds of attorneys and not worry about their new hires returning to China. The balance is not in your favor.”

The woman started crying. Imagine spending years pursuing a dream that is a near impossibility and relocating here for the dream. Confidence or not, this is a difficult thing to overcome.

5. The Senior Associate, Young Of Counsel and Young Junior Partner

Lately I have been working with lots of young junior partners at major firms, young of counsel attorneys and senior associates. I’ve been working with the confident ones. The majority of the young partners are making over \$500,000 a year, the counsel attorneys over \$400,000 a year and the associates are generally making at least \$350,000. These are people who have managed to make it through the grinder and are now posed for great things. They have the confidence, work ethic and ability to impress those above them and get advanced. But they too are subject to all sorts of confidence crushers.

As a preliminary matter, when I am speaking with any attorney at a large law firm with more than six years of experience I am always quick to tell them how well they are doing – and most have never heard this in their entire careers. In fact, making it this far in a major law firm is extremely difficult and something that very, very few attorneys ever do.

“How many people from your class are left in the firm?” I might ask a seventh year associate.

“Just me and one other person who started with me,” might be the response.

“And how many attorneys started with you?”

“There were sixty in my starting class.”

In fact, making it this far in a law firm is a huge achievement and something very few attorneys are capable of doing – especially at a high level. This is one reason that the salaries are so high (and should be). It is because very few people can make it this far.

However, becoming a seventh or eighth year associate at a law firm poses its own set of challenges. Without substantial business, these attorneys have very few options. Because their billing rates are now close to those of partners and because partners make more money when they do work for their clients on their own, it becomes very difficult for these attorneys to get work. In addition to the difficulty of getting work, these attorneys are faced with the knowledge that it may be exceptionally difficult for them to get another job. While a productive associate with one to six years of experience is in demand in a good economy, an attorney with more experience is rarely in demand even in a good economy.



A few weeks ago I was speaking with a senior associate litigator in a major New York law firm who desperately wanted a new equivalent-paying job in another major New York law firm. I did not have any jobs. He started crying.

Regardless of your talent, the market literally “closes up” around senior associates or counsel-level attorneys without business in most cases. This is not to say that this “close up” exists everywhere, but for the most part this is what happens.

Even with business, though, there is a dramatic close up in the market for attorneys. I am working with a few junior partners right now who have books of business that are in some cases at least a few million dollars. An attorney like this – who is young, has business and has maintained his or her self-confidence – would seem to be the “ultimate” in terms of marketability. But even these attorneys have their confidence shaken to the core when they want to move.

New law firms interviewing these young attorneys are often “skeptical” of their books of business because junior partners are often pushed out of firms for not having business and will often falsely exaggerate these books. This is very common in the lateral hiring business. However, even when they do have books they may not have had the business long enough, or they may be perceived as “unproven,” and law firms may not trust them.

One of my junior partner candidates with \$2-million in business was recently told by a law firm: “If you come in here you will have a target on your back if your book of business goes down.”

Over and over the attorney’s self-confidence is hit. The attorney does not have business and is not marketable. So the attorney gets business but is then told that if he or she moves firms he or she will be at risk of getting fired.

“I’m about ready to give up,” this particular partner told me. “It seems that nothing is ever good enough for anyone.”

6. The Established Partner

If you think things are bad for law students, new attorneys, senior associates, of counsel and junior partners, you have not seen anything yet.

Established partners are generally responsible for bringing revenue into their law firms. The amount of compensation they receive is generally tied to the amount of revenue they bring in. If a partner has a good year, the partner will expect to make more money than in a bad year. In a bad year, the partner will expect the law firm to help make up the deficit of what the partner contributed during the good years.

You may have noticed that partners, groups and others move around between firms a lot. In fact, many partners move every few years and some groups do as well. There are many reasons for this. Sometimes they are as simple as client conflicts, but the main reason for all of this movement is that law firms will take as much revenue from partners as possible and leave them with as little as possible. As a general rule, law firms will make promises to get the attorneys in the door and then violate these promises years later in order to take more money from the partners.

Here is a story from just this week. I am working with a partner at the branch office of a large law firm who has about \$3-million in business. The law firm has been paying him about \$600,000 to \$700,000 a year for the past few years, which is only about 20% of his book and not very good at all. He has not been happy with this compensation, but the law firm has consistently told him that when he has a “dry patch” and the amount of work he has goes down the firm will keep his compensation the same. I’ve heard this sort of story before, of course, and it is generally never honored.

Last year the partner’s book was about \$1,500,000 because a few of his cases settled. The law firm paid him only \$350,000.

“I thought you told me I would always make around the same?” he said to the firm. “I have associates working for me making near that!”

The firm gave him various excuses, told him about the need to support the partnership and so forth. These are the same sorts of excuses law firms always make. Now he is looking for a job again and the same thing may repeat itself a few years from now. Imagine what sort of shape he would be in if he did not have any business at all? This is the sort of situation that many partners find themselves in and they end up with no jobs at all.

The only solution is for the partner to get his or her confidence back and continue pushing forward.

Conclusions

Very few attorneys are able to remain confident after a few years in the bullpen. Some are – and these are the ones who succeed. But the reality is that very few confident attorneys exist and staying confident as an attorney is something that I see very rarely.

I see confidence all the time among young attorneys, however. They come into the profession with all of the confidence in the world and expectations of great things for themselves. But sooner or later these attorneys also inevitably get their confidence sapped by long hours, excessive criticism and the feeling that nothing they do is ever enough.

When attorneys are young they are generally quite confident and feel like they have a lot of hidden



power. Some even stay this way until they become junior partners and, incredibly, some hold onto this confidence and power their entire careers. This confidence allows them to do things like:

- Believe they should get the most important work
- Believe they are always going to succeed
- Believe they can get clients
- Believe they can win cases and get the better end of deals

Nothing is more important to your long-term success as an attorney than remaining confident at all times. The moment you lose your confidence is the moment you lose the game. You must find a way to preserve your confidence no matter what crushing blows the legal system throws at you. Do this and you will succeed where so many others fail.

See the following articles for more information:

- [**Why You Need to Believe in Yourself**](#)
- [**The Most Important Thing You Can Have Is Faith**](#)
- [**Your Beliefs about Yourself Are Controlling Your Destiny**](#)

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