

The legal profession doesn't have a leadership problem—it has a character problem

BY Charles Edwards , partner at Barnes & Thornburgi November 7, 2019, ABA Journal

The legal profession is full of leaders. There are hundreds, if not thousands, of lawyers in leadership positions. They know what works and what doesn't. They promote all sorts of laudable things, like diversity and innovation and wellness. I'm one of these leaders. I have a leadership position in my law firm's litigation department. Just ask me: I'll give you plenty of ideas and opinions, initiatives and answers. But ideas are easy, execution is everything. Ask legal leaders how their ideas about increasing diversity or the percentage of female partners or innovation or wellness are translating into results and they get a little quieter or offer excuses. Ask for data and they go silent or change the subject because the data isn't good.

A 2019 survey reports that in 2018, about 20% of equity partners were women and 6.6% were racial or ethnic minorities. And white men made up "almost 71%" of law firm partners in 2018 (equity and nonequity combined). These results continue to hold despite decades of increased law school enrollment by women and minorities (female law school enrollment has exceeded male enrollment for the past three years) and consistent representation by women and minorities in the associate ranks of about 45% and about 20% on average, respectively, over the last decade.

Lawyer mental health results are no better. A 2016 ABA study found that 21% of licensed, employed attorneys qualify as problem drinkers, 28% of lawyers experience depression, and 19% have anxiety symptoms. Younger lawyers in the first 10 years of practice have the highest incidence of these problems.

Law firm leaders have at least claimed to be focused on these issues for years. Gains have been made, but the overall picture has improved very little. We have a results problem, but it isn't because of a lack of leadership around these issues.

It isn't enough for leaders to have ideas or to implement programs or to say that things should or must improve, even if those pronouncements are sincere. What the legal profession needs is people with the character to make the choices that create the results they say they want.

Character isn't who you are; it is what you do. If you want to increase the ranks of female partners, here is what you do: Make women partners. That also involves making the choice to give them the skills and opportunities they need early in their careers, so that they are still around and prepared for you to make them partners. The same is true for minorities. Similarly, if you want to improve the mental health of lawyers who work for you, here is what you do: Show that you actually care about them. Many of the mental health problems in the legal profession and elsewhere can be traced to unmet expectations, lost connections, and feelings of hopelessness. [...]

Whatever the reason, benign or malignant, we have a character problem: the character to do what one thinks is right and to stand up for that feeling, regardless of whether one is in a position of leadership. Like Martin Luther King Jr.'s dream for his children, we all should be judged by the content of our character.

Character can be built, but it takes desire, courage and commitment. If you want to build character, here is one technique, borrowed from the Stoics: The next time you are in a meeting or discussion with a colleague and the topic of what "we" should do comes up, ask yourself what you can do that is within your control. Keep a journal of your answers to this question, and hold yourself accountable to it. Grade yourself from time to time; this grade is your character score. Don't give yourself points for ideas. Those are easy. Also, not all actions have the same value. Some lead to results, while others do not. Caring about diversity or fairness or wellness is worth zero points toward your character score. Marketing schemes—zero. Programs without follow-up and accountability—zero. Only give yourself points for actually doing something that advances the goal. The only actions you can control are your own actions. If enough people increase their character score, results will follow. Some new leaders may come out of it, too.