

CHANGING

A Changing Eye for Talent

By Jamie Smith and Mike Field
Illustration by John Perlock

When it comes to picking—and keeping—the best players, law firms must look beyond GPAs alone to identify their future MVPs.

THOUGH MORE THAN A DECADE has passed since he went through the law firm recruitment process, bad memories still nag Maurice Bellan '98. As he prepared to graduate from UMDLaw, he couldn't land a single interview, let alone a job, with any of the top firms in New York or Washington.

To these firms, Bellan did not fit the conventional model of high-achieving law student: He attended school part time in the evening, with decent but not outstanding grades.

Maybe if these firms had given him an interview, he says today, they would have recognized the strong practical skills he had developed through UMDLaw's Clinic. They might have grasped the leadership potential that had led the Secret Service to tap him for its agent training program. And they might have understood the determination that fueled him to pursue a legal education even while working full time as an investigator for a federal public defenders office

But they didn't. So Bellan went to work for a small Baltimore firm, litigating malpractice claims. And he quickly employed the many talents that went unrecognized by legal recruiters to attain remarkable success as a lawyer. He moved through a succession of increasingly prominent firms, to an appointment as a prosecutor in the

U.S. Department of Justice's Civil Rights Division, to partnership at Arent Fox in Washington D.C., where his practice today encompasses a broad range of complex commercial litigation.

"When it comes to recruiting, employers need to recognize there's more to being a good lawyer than getting good grades as a first-year law student," he says. "We need to redefine legal talent far more broadly than a law school GPA."

Legal employers and law schools alike have long judged applicants by measures, like grades and test scores, which ostensibly gauge cognitive ability. In so doing, they have deemphasized other skills, including problem-solving, leadership, and consensus-building, that a growing body of evidence—and many leaders in the legal field—suggest are equally important in becoming a successful lawyer. Overlooking candidates like Bellan has come at an increasing cost to firms, as retention has become a major problem. Today, say legal educators and other experts, it is increasingly in the best interests of employers to rethink how they recognize, recruit, retain—and ultimately define—top legal talent.

In 2006, the *Wall Street Journal* noted that law firms employing more than 500 attorneys lost nearly 40 percent of their associates within four





“Firms are very slow to change when it comes to recruitment,” says UMDLaw’s Assistant Dean for Career Development Dana Morris. “There’s been a lot of talk, but not a lot of action.”

“When we look at the students who are selected for interviewers, you can tell that grades are still the first indicator for many, many employers. We do our best to tell them about students who we know are talented in terms of legal research or writing, have been on journals or moot court. But lawyers are risk averse. During boom times, firms are more open-minded in considering a range of factors when recruiting. But when times are tough, they seem to revert to what they perceive to be safe. And

years of hiring them. After six years the ratio climbed to 60 percent. This attrition has not been good for clients or firms. Studies suggest that lost employees cost law firms millions of dollars, with an estimated cost of between \$200,000 to \$500,000 to replace and retrain for each vacancy. At the same time, clients are increasingly unwilling to pay for on-the-job training, with a changing cast of junior associates having to learn and study the same basic background information over and over again.

“Clients are saying we need you to deliver quality talent at lower costs. The main way to do that is to look at the costs of hiring and retaining talent,” says Larry Richard, a Ph.D. psychologist and lawyer who heads Hildebrandt International’s Leadership & Organization Development Practice Group, and serves as a speaker and consultant to the Leadership Forums that are part of UMDLaw’s LEAD Initiative.

“Look at the initial process of hiring and developing people. Most firms have used up or out, which is founded on hiring lots of people you know aren’t going to stay long-term. Is that a rational system? To hire people with the notion that you’re going to keep only the cream of the crop is itself a very inefficient model. In a time when efficiency doesn’t matter, that’s fine. But today efficiency matters a lot more.”

Redefining Recruitment: Good Grades Aren’t Everything

Despite the high costs associated with making poor hiring decisions, most legal employers continue to use conventional metrics in analyzing potential new hires.

that’s going to the top-rated schools and going after the students with the highest grades.”

“The current way of selecting new hires is very good at measuring cognitive skills,” says Richard. “But most managing partners are aware that isn’t all you need to succeed nowadays. Lawyers play many more roles than just practicing law. They’re supervisors, committee chairs, rainmakers, and leaders. And with all these roles, you need people skills. Everyone knows it, but these skills are amorphous and harder to measure than the traditional skills. So everyone just keeps doing it the same old way.”

From his office at Arent Fox, Maurice Bellan agrees, and says he works to convince his partners that there’s much more to evaluating potential hires than a GPA and the name of the school on their diploma.

“I’ve seen associates from schools with lofty credentials who end up frustrating you. You assume that anyone you hire at this point has basic competencies, like the ability to research. But who can apply that research to a business solution? Who can provide a resolution to the client’s problem?” he says.

“That’s what we are: problem-solvers. Not everyone can translate his or her law school education into being a problem-solver for the client. It’s not always running to trial, but analyzing a problem and coming up with a solution based on the available statutes, regulations, and laws, or even your best sense as a businessperson. That’s what helps your clients.”

Morris points out that diversity hiring suffers when firms stick to traditional norms in recruiting talent.

“There is a wealth of incredibly talented people who might not be in the top 10 percent of their class because of their background before coming to law school,” she says. “People coming from families where they’re the first one to go to college, or where they have to work during the day to afford school at night. They’re still playing catch-up with some of their classmates, but are incredibly talented and determined, and are ready to shine once they’re on an equal footing in the working world.”

Improving Retention: Beyond Billable Hours

When Sebastian Kurian joined Miles & Stockbridge in the firm’s Baltimore headquarters after graduating from UMDLaw in 2008, his biggest concern was keeping his job in the face of the economic downturn. To his delight, he’s ended up enjoying opportunities at which many of his classmates marvel, benefiting from the firm’s willingness to reconsider how junior associates are managed and directed in their work.

A member of the firm’s commercial real estate group, Kurian was given the chance to serve as co-counsel on a jury trial in a collections case. He was also able to contribute to the firm’s outreach initiative seeking to grow business internationally, taking advantage of the fact that both of his parents were born in India. And recently, when the firm put together a real estate industry program to strengthen its real estate business portfolio in the midst of a deep industry downturn, he was tapped to become a member of the team.

“What Miles & Stockbridge does is find a way to get associates excited and involved in activities beyond the dry legal stuff,” Kurian says. “It gives you an opportunity to get invested in what the firm is doing. That’s what makes a big difference. My friends at other firms are envious of the ways I’ve been able to participate.”

Kurian is benefiting from a growing movement in the legal profession. Richard says he is aware of about 100 firms that are considering or have implemented competency models that look beyond hours billed and technical skills to evaluate how well young lawyers have mastered abilities—like working in teams and managing client relationships—that differentiate the best performers in the firm. While nurturing associates’ enthusiasm and satisfaction can be a

beneficial byproduct of such approaches, the real goal is to help lawyers quickly develop the skills that will most directly enhance client satisfaction and, thus, increase profitability.

In-house attorneys are closely watching associate costs and training, says Susan Hackett, general counsel of the Association of Corporate Counsel. She suggested that firms rethink associate compensation, better train and supervise new attorneys, and ensure that clients benefit down the road from the on-the-job training for which they pay.

“Clients don’t so much hate paying for inexperienced lawyers as they hate constantly paying for the learning curve of kids who cycle in and out of their work,” she says.

DLA Piper is at the forefront of this new approach. Last year, at the direction of Chairman Francis B. Burch, Jr., a 1974 UMDLaw graduate, the firm initiated significant changes in how it evaluates, compensates, promotes, and advances associates, stating: “The four Core Competencies that drive success at DLA Piper are Professional Excellence, Client Impact, Interpersonal Effectiveness, and Leadership.”

In announcing its new competency model, DLA Piper eliminated minimum billable hour requirements and pay increases based on years of service. Instead, firm managers will base associates’ compensation on “value delivered to clients and the firm, not tenure or hours.”



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—Maurice Bellan '98, Partner in Arent Fox's Washington office



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—Joseph G. Finnerty III, ’87, Chair of DLA Piper’s U.S. Litigation Practice on the East Coast

“Our new competency model is a logical reaction to the changing realities of the marketplace,” says Joseph G. Finnerty III, a 1987 UMDLaw graduate and member of the School’s Board of Visitors, who is chair of DLA Piper’s U.S. Litigation Practice on the East Coast. “We need to reduce the amount of time and money we expend on individuals whose success in law school doesn’t correlate into the growth of the firm. And we need to identify and nurture those individuals whose talents will help us better serve our clients.”

According to Finnerty, many of those talented lawyers are women and members of minority groups. The ABA reports that 4 percent of partners in private practice are minorities. And while law schools have been graduating roughly equal numbers of men and women for the past 25 years, today only 19 percent of law firm partners are women.

“My perspective is through the lens of gender, where the statistics are very clear,” says Professor Jana Singer, who last year conducted a survey of UMDLaw graduates to better understand their professional and personal career paths. “At the most junior level, men and women are equally represented. At every step up from there the percentage of women drops. Firms are losing talented women. How do we recruit and retain them?”

“I think there is a growing awareness that we can ill afford to train and advance lawyers in the profession the way we do,” says Veta Richardson ’86, Executive Director of the Minority Corporate Counsel Association (MCAA) in Washington. The MCAA advocates for the expanded hiring, promotion, and retention of minority attorneys in corporate legal departments and law firms, and publishes research on best practices in the legal profession.

“One of the major challenges is *access*. Access takes three particular forms: to key mentors; to opportunities

to showcase abilities, and to the right kinds of work that helps to advance a career.”

The bottom line may begin to drive firm behavior. Just as client dissatisfaction with paying for the work of young associates is prompting change in how such lawyers’ talents are developed, client demand for diversity could prompt firms to address their poor record in that area, says Thomas Sager, Senior Vice President and General Counsel of DuPont.

“To be globally competitive, you must compete and have employees that reflect the diverse base of your customers, your shareholders, your suppliers, and the communities in which you work,” said Sager in an address he delivered at the Law School last year. “Just as the changing demographics force us to rethink the makeup of the company, they also challenge us to reconsider the makeup of our legal department and the law firms with whom we work. And the changing faces of the bench, the regulatory agencies, and the juries make this an even more compelling business case for us within DuPont legal.”

Priming the Pipeline: Leadership Starts in Law School

In nurturing their students’ talents, some law schools—like their counterparts in practice—are exploring innovative approaches and finding new ways to cultivate great lawyers. But, like law firms, when it comes to deciding which individuals to let in the door, law schools also continue to rely heavily on measures of cognitive ability that don’t necessarily correlate to success as a lawyer.

“Reliance on the LSAT alone, or giving it too much weight in predicting law school success, reflects an unduly narrow emphasis on certain academic skills while undervaluing other important lawyering skills and core values of the profession,” says UMDLaw Dean Phoebe Haddon. “It is in no way an effective measure of what kind of lawyer a student will become.”

Each law school’s annual positioning in the much-debated but keenly observed *U.S. News* law school rankings is significantly influenced by the median LSAT score of its incoming class. As a result,

many law schools strive to increase their minimum LSAT requirements simply to remain competitive and highly ranked.

Dean Haddon is at the forefront of a national effort to find new ways for law schools to better identify applicants with the potential to become outstanding lawyers. Co-author of the 2006 article, “Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit” in the *St. John’s Law Review*, Dean Haddon serves on the official accrediting body of American law schools and is a member of the National Advisory Board of the Law School Admission Project: Looking Beyond the LSAT. This research project, funded by the Law School Admission Council, has identified 26 “competencies” that effective lawyering demands—among them practical judgment, passion and engagement, legal-research skills, questioning and interviewing skills, negotiation skills, and stress management. Only a few of these are measured by the LSAT, she notes.

“Studies show that success on the LSAT correlates to race and class more strongly than it correlates to success in law school. But the test has in some ways become a gatekeeper to the entire profession,” says Dean Haddon.

She says UMDLaw has done a better job than most of its peer schools in making admissions decisions based on a broader variety of measures than applicants’ LSAT scores. A prominent example is the Leadership Scholars Program, which provides financial support to students with a demonstrated record of accomplishment and leadership in academics, professional work, or community service.

Once students are here, says Dean Haddon, Maryland Law truly sets itself apart in developing in its students the same kinds of skills that firms are increasingly needing in their associates.

“We do a better job than most because of our emphasis on leadership, collaboration and clinical work,” she says. “Our clinics in Mississippi and our international clinics give our students a chance to work outside of Baltimore, and to teach problem-solving as a team effort. Students get firsthand exposure of what it means to be a leader who listens to clients, including clients who may be poor or uneducated.”

The new Leadership, Ethics and Democracy Initiative (LEAD) helps students cultivate leadership skills, while preparing them to uphold their professional responsibility while practicing law ethically and in accordance with their personal values. The Women, Leadership & Equality Program provides students skills to recognize structural barriers, to understand when it is the system and not their efforts or abilities that are in question, and to find practical ways to address those hurdles in their path.

“Maryland has been on the cutting edge of working with students to prepare them for navigating the legal profession,” says Professor Jana Singer. “We have made a real attempt to bring in to the curriculum learning and training to be better equipped to make the transition to practice.”

As Bellan looks back on the path that took him from night school at Maryland to Arent Fox, he credits the Law School’s commitment to preparing students for the challenges they face. And he is optimistic that the legal profession’s willingness to redefine talent will mean more opportunities for young lawyers with a wider variety of skills.

“Employers need to look more closely at diamonds in the rough,” he says. “And I contend that a lot of Maryland Law graduates aren’t rough at all. They’re truly diamonds, a lot more polished than candidates coming out of other schools.”

