Effectiveness is the ability to be influential toward or accomplish a given purpose. The Minnesota Rules’ Preamble states that a practicing lawyer’s purpose is to be a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice. The private practice of law also has a purpose of sustainable profitability to make “a satisfactory living” in the words of the Preamble. Thus, to understand effectiveness in the private practice of law, we need to break down the underlying qualities and skills that a lawyer must have to accomplish the purpose of being a representative of clients, an officer of the legal system, and a public citizen responsible for justice while achieving sustainable profitability.

Berkeley Law School Study of Effectiveness

As I noted in my June column, Berkeley professors Marjorie Shultz (law) and Sheldon Zedeck (psychology) conducted an important multi-year empirical study defining effectiveness based on a survey of over 2,000 University of California Berkeley law school alumni responding to questions such as “If you were looking for a lawyer for an important matter for yourself, what qualities would you be looking for?” From the responses, they distilled 26 factors important to being an effective lawyer grouped into eight umbrella categories.

1. Intellectual and cognitive skills
   - Analysis and reasoning
   - Creativity/innovation
   - Problem solving
   - Practical judgment

2. Research and information gathering skills
   - Researching the law
   - Fact finding
   - Questioning and interviewing

3. Communications skills
   - Influencing and advocating
   - Writing
   - Speaking
   - Listening

4. Planning and organizing skills
   - Strategic planning
   - Organizing and managing one’s own work
   - Organizing and managing others (staff/colleagues)
5. Conflict resolution skills
   - Negotiation
   - Ability to see the world through the eyes of others

6. Client and business relations skills – entrepreneurship
   - Networking and business development
   - Providing advice and counsel and building relationships

7. Working with others skills
   - Developing relationships within the legal profession
   - Evaluation, development and mentoring

8. Character
   - Passion and engagement
   - Diligence
   - Integrity/honesty
   - Stress management
   - Community involvement and service
   - Self-development.

**Clients’ Definition of Effectiveness**

One of the most striking findings of the Shultz and Zedeck study that I explored in my earlier column is the importance that practicing lawyers give to relationship skills in defining effective lawyering. The umbrella categories of skills in communications, planning and organizing, conflict resolution, client and business relations, and working with others all focus on relationships with clients, other lawyers and staff, and adversaries.

Empirical data from client surveys confirm the importance of relationship skills. For example, the Association of Corporate Counsel recently developed an outside litigation firm performance evaluation model that emphasizes three areas: legal analysis and judgment skills; litigation practice skills; and leadership and teamwork skills. The leadership and teamwork skills focus on a lawyer’s commitment to achieving needed client results in a timely way, respect for others, good judgment on when to challenge a client decision, and prompt communication both when asked for assistance and when appropriate regarding the status of a project.

Similarly, the 2008 Altman-Weil Chief Legal Officer Survey found that the most important efforts that outside counsel could make to improve relations with the client all related to improved responsiveness to the client’s needs including discounting fees in light of the market downturn, staffing to address the client’s unique needs, and learning the client’s business. More supporting evidence is the BTI Consulting Group’s 2008 survey of 250 corporate clients asking the clients if they could name an outside counsel who “truly stands out as providing the absolute best client service.” Corporate clients expect solid legal skills, but the dominant (61%) factor that distinguishes “the absolute
“Best client service” is “client focus” where the client perceives the lawyer to be highly committed to and proactively responsive to the client. “Client focus” includes seeing the world through the client’s eyes and understanding the client’s needs fully. “Client focus” overlaps with the second most important (12%) factor that distinguishes “the absolute best client service” – understanding the client’s business.

The central theme of these studies of the clients’ definition of lawyer effectiveness is that exceptional effectiveness moves beyond excellent technical competence toward excellent relationship skills demonstrating (1) strong commitment to and focus on the client’s needs and (2) strong responsiveness to the client. These recent studies of a client’s perception of a lawyer’s effectiveness are consistent with a major 1993 ABA study of both individual and corporate clients. The survey data showed that clients believed lawyers to be knowledgeable and able to solve problems, but clients in general did not believe that lawyers are committed to and focused on client needs. Lawyers tend not to be highly responsive to those needs. Instead, many clients perceived lawyers as excessively focused on money.

**Character: Integrity, Honesty, Diligence, and Self-Development**

Tom Petters and Bernie Madoff are examples of individuals with strong relationship skills detached from any foundational moral character. A lawyer with strong relationship skills and no foundation of an ethical professional identity is a similar menace to clients, the law firm, the profession, and society. Over time, clients will see through a lawyer with strong relationship skills who is motivated by naked self-interest, greed and hubris rather than true interest in and commitment to the client.

Conversely, a lawyer who grows over a career in the virtues emphasized in the Shultz and Zedeck study will nurture client trust that leads to very long-term relationships. Character is a composite of the good moral virtues, principles and qualities of a person. It takes a lifetime to build. Integrity is a person’s adherence to his or her moral principles. He or she walks her talk. Honesty is fairness and straightforwardness in conduct. Others can take the lawyer’s words to the bank. Diligence is a constant and earnest effort to serve the client, putting the client before self. Self-development over a career requires habits of learning from mistakes, seeking honest input from clients, colleagues, staff, and others, and reflecting on the input to develop as a moral person and lawyer.

Each lawyer’s answer to the question “how much is enough?” will play a critical role in whether the lawyer will actually grow over a career in terms of character, integrity, honesty, diligence, and self-development. As we have seen so powerfully in the recent financial sector catastrophe, greed, hubris and excessive self-interest can totally undermine professional judgment and the virtues, and cause great harm to others, including the narcissist himself.