Top 40: AND UNDER 40

Front: Jennifer Kennedy; Second Row: Mahmud Jamal, Melanie Aitken; Third Row: Jeffrey Lloyd, Marc-André Blanchard
**Question.** What do high achievers in law, such as the “2004 Top 40: 40 and Under 40” profiled in this issue of *Lexpert*, have in common with world-class achievers such as Olympic athletes, successful executives from financial institutions such as Citibank, or the US Navy SEALs?

**Answer.** How about a way of thinking, learning and concentrating that differs significantly from 90 per cent of the population? For example, possession of two skills normally thought of as mutually exclusive—intense detailed focus and concentration coupled with big picture conceptual strategic thinking. Or an almost inexplicable drive for achievement and success that appears to originate in a variety of sources, such as adversity and challenge in the formative years? Or a predisposition (i.e., hard-wiring) that ensures an unstoppable need to compete and win? Or how about an incredibly strong sense and knowledge of self? Or an intuitive sense of others by which one can “read” what is implicit or understand subtle body language and gestures?

These are but a select number of the unique qualities possessed by the young lawyers (40 years of age and under) profiled in this issue of *Lexpert*. Qualities which, in large part, they share with other high achievers, such as Olympic athletes or successful financial executives.
Editor’s Note: The methodology employed in selecting the 2004 Top 40 was as follows. Candidates had to be 40 years of age or younger. The survey results for 27 of the 59 practice areas from The 2004 Lexpert Directory were examined. These practice areas were: banking, competition, computer and IT, technology, corporate commercial, corporate finance, mergers and acquisitions, corporate tax, asset securitization, derivatives, investment funds, energy (electricity and oil & gas), entertainment, environment, insolvency and corporate restructuring, IP, IP litigation, labour relations, litigation (including class action, commercial insurance, corporate commercial, securities), property development, property leasing, personal tax planning and tax litigation.

For these practice areas for 2004 questionnaires were sent to 10,713 practitioners and in-house corporate counsel. 5,959 completed questionnaires were received back, providing a response rate of 55.62 per cent. The selects were made on the basis of the highest overall scores as well as strong endorsement from firm colleagues.
This article examines what combination of various skill sets and attributes create the basis or wherewithal of professional excellence. Thirty nine members of this group of 40 completed in-depth interviews with the author. Almost all members of our group completed confidential assessments for Emotional Intelligence (EQ), Study of Values (SOV), as well as a relatively new assessment used to identify those qualities most common among high achievers. This assessment is the Attentional and Interpersonal Style Inventory (TAIS). Developed by Dr. Robert Nideffer, a leading leadership and organization psychologist in the US, TAIS measures the qualities central to effective performance. Finally, a new Motivation Assessment was completed by the members of this group.

The group scores on the four different assessments, plus the background information and insight acquired during the in-depth interviews, provided a compelling explanation as to why some lawyers are strikingly more successful, in a professional sense, than others. Law firms may wish to consider how their recruitment, training, and compensation programs can best be designed to facilitate the acquisition and retention of such talent.

Executive Summary

He or she may be Anglophone or Francophone. Egyptian, Indian, or Anglo-Saxon. His or her socio-economic background is largely immaterial. What is hugely important, however, is the various hard-wired qualities beginning with raw intelligence (IQ) that enable these high achievers to think, problem solve and verbalize differently than about 90 per cent of everyone else. The TAIS and Motivation assessments clearly establish that this hard-wiring of high achievers is associated with other qualities, such as the drive to compete, win, control and dominate.

What is hugely important, however, is the various hard-wired qualities beginning with raw intelligence (IQ) that enable these high achievers to think, problem solve and verbalize differently than about 90 per cent of everyone else. The TAIS and Motivation assessments clearly establish that this hard-wiring of high achievers is associated with other qualities, such as the drive to compete, win, control and dominate. However, just as every upside has a downside, they are far from perfect. Their group profile reveals a characteristic practice (need?) of imposing their standards of perfection, motivation, work ethic, etc. on others. They can drive colleagues to distraction. Their ability to concentrate on detail and still multi-task is a double-edged sword. They bore easily and are often involuntarily less than diplomatic with others less skilled. They are happiest when completely immersed in difficult work with equals and/or formidable competitors in a hands-on fashion.

As many of our high achievers have become or will become leaders, they are likely to face difficult personal and professional challenges. For example, many will struggle with delegation. Importantly, a delicate balance exists between many of the attributes or drivers of success they possess. If one of these attributes (for example, a strong need for control) moves to the forefront, it may result in serious work relationship disruption as these high achievers are also generally uncompromising in their independent, assertive, and competitive natures.
Their lifestyle is varied. Single, married with young children, it really doesn't matter much. They are highly ethical. Other values, however, are diverse.

As predicted by Richard Florida in *The Rise of the Creative Class* (2002, New York), this group is protective of their personal life. Privacy is important. They will reveal to others only what they choose to reveal.

Finally, this group has an impressive list of mentors who may well be their most valuable source of learning, particularly intangible skills such as negotiation, tactical/strategic insight, and judgment.

Now for specifics.

**TAIS**

Dr. Robert Nideffer developed and validated the Attentional and Interpersonal Style Inventory Assessment in 1983. It has been used by Olympic teams (US, Canadian, Italian, and Australian), Citibank, Magna, General Motors, the Boston Celtics, the US Navy SEALs, and many others. In short, he has seen all kinds of talent.

Dr. Nideffer reviewed the TAIS scores of the young lawyers profiled in this article. His comments were unequivocal.

“These lawyers have all of the indications of world-class talent. Their TAIS scores reveal a number of abilities that are critical to success. For example, their ability to analyze and solve complex problems strategically (termed Analysis for TAIS purposes) is within the 92nd percentile of our norm group. Considering that this norm group is already comprised of highly effective professionals, this is significant and impressive.”

As the TAIS scores reveal, the strongest skills of this group are their:

- self-confidence to get things done (94th percentile);
- ability to multi-task (termed Information Processing), which involves handling multiple tasks at the same time (93rd percentile);
- strategic/conceptual problem solving (termed Analysis), which involves putting real time information into a larger past, current, and forward context (92nd percentile); and
- leadership abilities (termed Control), which involves taking charge (91st percentile).

The TAIS assessment also includes a number of scales where low scores are prized in that such scores are indicative of success. For example, External Distractions measures the extent to which individuals can be drawn away from an important task by interruptions (for example, telephone calls, new developments on other files, etc.). Individuals with high distractibility scores need to stay away from busy or chaotic environments to concentrate.

Those with low distractibility scores can generally concentrate and stay focused even in busy or chaotic situations—a significant advantage.

The 40 lawyers in our group scored low on the TAIS scales where low scores are strongly indicative of the probability of career success. Their four lowest scores are:

- Reduced Flexibility, which measures the extent to which an individual will make mistakes because of narrowing attention too much (i.e., excessive focus) (5th percentile);
- Speed of Decision Making where the lower the score the higher the ability to make fast decisions under pressure (9th percentile);
- Internal Distractions, which measures vulnerability to interruption by irrelevant thoughts and feelings (16th percentile); and
- External Distractions, which measures vulnerability to interruption by external factors such as noise, unexpected visits by colleagues, etc. (19th percentile).

In summary, on the basis of their TAIS scores, our group is composed of strong, self-confident individuals who are very good at quickly figuring out what is going on in complex and/or adversarial situations. They score in the 79th percentile in terms of awareness and comprehension respecting their environment. They are able to analyze, successfully place issues in context, propose strategic solutions, and then take charge and become immersed in every aspect of carrying forward the transaction or dispute. They do all of this while competently handling other responsibilities and holding low priority distractions to a minimum.

**Focused Strategists Who Multi-Task**

As noted by Dr. Nideffer in his comments regarding these profiled lawyers, “Their wiring is clearly different from other groups.” Nideffer goes on to add that “CEOs and executives, for example, are great at the conceptual and strategic aspects of their jobs, and subordinates are great at the tactical aspects of their jobs. But these lawyers are great at both.”
strategic big picture tasks, but generally much less successful with details, which is why they surround themselves with people they can delegate such responsibilities to. World-class athletes are exactly the opposite. They can focus on the smallest details in the precision of a move, but are typically not great at big picture strategic thinking.” But, explains Nideffer, “these lawyers appear to be highly effective at both (i.e., detail orientation and strategic big picture) and, further, they can multi-task while still concentrating on the single task at hand!”

It is difficult to overemphasize the importance of the TAIS scores of our group, as explained by Dr. Nideffer. The unique ability to successfully combine detail attention, conceptual and strategic thinking, and effective multi-tasking represents an enormous competitive advantage. This insight is fundamental to understanding the success of the group.

In retrospect it is clear that this normally mutually exclusive combination of skills was highlighted by members of this group when, in interview after interview, they spoke of the tumultuous nature of their practice and their need to be able to compartmentalize effectively.

The Leadership Challenge

However, there is a downside to this ambidexterity. Nideffer argues that there is a particular point in time during the management of a large transaction, or a large organization such as a major law firm for that matter, where the leader (or would-be leader) must be able to exercise sufficient self-discipline to step away from the front lines. According to Nideffer, “The greatest challenge and developmental need of these lawyers may well be one of leadership.”

When Nideffer collates the group scores on all TAIS scales to reach a composite picture, looking for the “balance” referred to earlier in this article, he sees too much strength in the need for control, particularly hands-on control. This imbalance, or potential imbalance, can negatively impact on effective delegation, mentoring, and, ultimately, assumption of leadership roles.

Emotional Intelligence

On the surface there is really nothing new about the EQ skills, as contrasted to IQ, of our group. Emotional intelligence is a set of non-cognitive skills that determine (i) how effectively people deal with a generally adverse environment characterized by difficult challenges, change, stress, and problems; (ii) how well they develop meaningful and mutually supportive/responsible relationships with others; and (iii) whether they adopt attitudes that provide meaning, purpose, hope, and happiness.

If the above description of EQ reads like a psychological placebo, it is important to keep in mind the “hard fact” that in recent years EQ has repeatedly been found to be the most reliable predictive measure of professional success. As Figure 1 on page 70 shows, the average EQ scores of these 40 lawyers are well above average. Taking into account the “averaging out” effect of individual differences with respect to unique strengths and weaknesses, their overall scores are very impressive. The key EQ strengths of our group, as shown in Figure 2, are:

- Independence;
- Stress Tolerance;
- Assertiveness; and
- Problem Solving and Optimism (tied scores).

Areas of relative weakness, as shown in Figure 3, are:

- Flexibility;
- Interpersonal Relationships; and
- Emotional Self-Awareness and Happiness (tied scores).

With respect to these areas of relative weakness, it should be noted that the scores of this group are still at the high-end of average scores, which means they are as capable in these areas as most. Further, unlike IQ, these skills can be self-improved.

How EQ Contributes to Success

As pointed out in “Canada’s Top 25 Corporate Litigators,” (Lexpert, April 2002), one of the attributes that characterized leading litigators was significantly higher levels of empathy. As an EQ skill, empathy goes beyond the ability to put oneself in another’s situation, i.e., “to walk around in his shoes.” For our purposes, empathy encompasses the ability to accurately “read” other people and properly interpret one’s own intuition in such matters. Highly effective litigators have an
So almost unnerving ability to “read” which way a judge is leaning, where a witness feels vulnerable, and so forth.

Of our group, Jonathan Lisus at McCarthy Tétrault in Toronto is but one example of a successful litigator possessing the pronounced empathy common to practically all top litigators. With respect to empathy, the EQ scores of Lisus effectively mean he is better than about 97 per cent of everyone else in “reading” people. This is a huge competitive advantage.

A One-Two Punch

It gets even more interesting. When one considers the EQ assessment scores of Lisus against his TAIS assessment scores, both assessments completed independently of one another, the outlines of an important one-two punch emerge. One of the skills measured by the TAIS assessment is labeled Awareness, which is defined as an individual’s sensitivity to what is going on in their environment and includes “sensitivity to subtle interpersonal cues.” Jonathan Lisus scores better on this skill or attribute than 99 per cent of the general population. When one considers his EQ skills of Empathy together with his TAIS skills of Awareness, the end result is nothing short of stunning. It goes a long way in explaining why he is a member of this group of 40, and his success as a litigator.

The assessments of this remarkable group of young lawyers are replete with similar reinforcing patterns of various
skill sets. However, there is more to learn from the correlation of the assessment scores of our group and their respective backgrounds.

**Action Learners**

Before considering motivation (which will be addressed shortly), the EQ and TAIS results of this group provide considerable assistance in understanding why it is that so many work with such apparent ease with complex financial, engineering, or other such disciplines completely unrelated to law.

Andrew Brodkin is an intellectual property partner at Goodmans in Toronto. Brodkin spends a good part of his day critically evaluating the scientific/legal interface of difficult patent disputes for important clients such as Apotex. He jokingly bemoans the fact he didn’t pay more attention to chemistry in high school. “Who would have known?”

If the absence of an academic sciences background ever hindered Brodkin, that day is long gone. He now regularly cross-examines senior chemists challenging their testimony in their area of professional specialization, not his. How did he come so far?

The contribution of skilled mentors is part of the answer. Similarly, the assistance of pharmaceutical scientists with clients like Apotex is essential. But, more importantly, Brodkin’s intellect coupled with his need to succeed, competitiveness, and powers of concentration and adaptability, as measured by the TAIS and EQ assessments, enable him to quickly assimilate significant blocks of disparate information. He accelerates up the learning curve through a process of rapid “osmosis.” Professional recognition and self-knowledge, as Brodkin acknowledges, are important motivators. “I hate getting passed over for anything really good. I will do almost anything for even faint praise.”

**All Talent is Not Equal**

The four confidential assessments completed by this group, together with their curriculum vitae and interviews, reveal that even among this collection of high achievers there is a normal distribution curve. There is clearly a group of superstars who will likely become leaders in their respective practice areas and enjoy national reputations. There are other individuals who have not yet reached their full potential. And, they may never do so without strong mentoring or coaching to round out the rough edges of particular components making up their otherwise truly impressive skill sets.

Also, it is apparent that when it comes to professional success, one or two exceptionally unique skills may combine to yield a decisive competitive edge. Every one of our 40 lawyers possess their own talent configurations. Some, however, play more consciously and effectively to their strengths than others.

**Invaluable Mentoring**

A further part of the explanation as to how members of our group have been able to fast-track their learning curve and bypass more traditional forms of knowledge acquisition comes directly from who they have learned from. It is immediately apparent from the names of those they list as mentors that they have enjoyed a unique and privileged advantage. Mentors repeatedly noted include Brian Levitt at Osler, Hoskin & Harcourt, Thomas Heintzman, Q.C., at McCarthys, Norman Steinberg and Jim Riley at Ogilvy Renault, Dale Lastman at Goodmans, Peter Jewett at Torys, George MacDonald, Q.C., at McInnes Cooper, and so on.

Members of this group clearly appreciate the value of effective mentoring. Most importantly, they understand the significance of strong mentoring in accelerating development of intangible skills such as negotiation, technical/strategic insight, and judgment.

Kelly Gill, an intellectual property partner at Gowling Lafleur Henderson in Toronto, speaks directly as to the dynamic of effective mentoring when he relates the following story. Gill recently spent considerable time on a case that was led by one of his mentors, Scott Jolliffe. The case, *CCH Canadian Ltd. v. Law Society of Upper Canada*, [2004] IS.C.R. 33, was long and hard. Kevin Sartorio, a young student, worked with Gill and Jolliffe. “We went all the way to the Supreme Court of Canada,” recalls Gill. “I learned an immense amount from Scott, a superb litigator, strategist, and mentor. Sartorio learned from both of us every step of the way. It was intense, intellectually challenging and incredibly satisfying. I think at times that all three of us forgot this was supposed to be work.” Gill exudes a quiet sense of achievement, pride and purpose.

There were numerous other stories of mentorship related by our group, many as personal and gratifying as Gill’s. What surfaces is that these young lawyers have been able to access
top-tier skill sets, an invaluable learning opportunity. Access such as this is an “earned” privilege.

Generally, successful senior lawyers give most generously of their time, client contacts and knowledge to those who they sense are the best, brightest and most motivated. They properly feel a sense of responsibility to groom the next generation. Time, however, is limited. Young lawyers who do not measure up to their standards of excellence and drive, however, frequently find themselves quickly “orphaned.” Strength reinforces strength. The end result may very well be a growing disparity within the profession between those “at the top” and “everyone else.”

Emerging Guilds of Excellence

Richard Florida predicted the emergence of “guilds of excellence” in *The Rise of the Creative Class*. Jim Riley at Ogilvy Renault made much the same observation in a recent *Lexpert* article (“Beyond Superficial Social Skills,” July/August 2004) when he noted that “increasingly the same group of people are working together.”

Emerging guilds of excellence refers to the “clustering” of highly talented people with common professional skills and interests. A good example is provided by Brian Facey, a well-regarded competition practitioner, who not long ago joined Blake, Cassels & Graydon in Toronto as a lateral recruit. “One of the key reasons I came here was to have the opportunity to work with Cal Goldman and Neil Finkelstein. Working with the top people like this is an incredible opportunity.”

This clustering of high-achieving, like-minded, talented specialists, as Florida argues, is only now beginning in earnest. Again, as Florida argues, the implications are profound.

In earlier articles respecting legal recruitment (see “Lateral Recruitment, Flame Throwers and Monsters Under the Bed,” *Lexpert*, January 2003, etc.), it was noted that one of the most important reasons lawyers go to new firms is the all-important platform. Platform is a combination of best talent (and supporting practice groups), best clients and best work. Firms with successful platforms are generally considered to have the greatest opportunity to attract additional top talent and thereby strengthen even further the various components of their platform. The brass ring of platform strategy is per partner revenues and per partner profits, which afford even greater leverage in platform building.

The self-fulfilling or cascading end result of clustering for top-tier firms is obvious. It also strongly suggests what route second-tier firms must follow, i.e., targeted recruitment to build centers of excellence, practice area by practice area, as opposed to across-the-board recruitment lacking depth. Clustering revolves around the intellectual stimulation and sheer enjoyment that like-minded high achievers experience working with one another. The centrifugal force that these attributes generate is simply too strong to allow “thin” broad-based recruitment.

What is Valued Most?

The Study of Values Assessment (SOV) asks individuals a series of questions that measure their highest and lowest values. There are six key value orientations: theoretical, economic, aesthetic, social, political, and religious.

Our opening hypothesis was that these 40 lawyers would demonstrate clear patterns around what they value. This did not happen. While the individual value profiles of our group were enlightening, especially in conjunction with their other assessments and interviews, the scores “cancelled one another out,” basically because they were too diverse. However, important lessons were learned.

For example, one lawyer identified religion as his most profound value. This individual is a superb corporate lawyer and excellent business developer, generating significant revenue for his firm. One could be excused for mistakenly assuming that financial success would be of more value to him.

This and other examples graphically illustrate that what motivates people in their work may not necessarily be what they value most. Second, personal values are but one component. Playing to one’s natural abilities and being very successful professionally because of particular talents is not necessarily at odds with what one personally values the most.

Dr. Steven Stein, President of Toronto-based MHS, sees a number of interesting relationships between the values of this group and emotional intelligence. For example, the more theoretically oriented are lower in their social responsibility. Those who are more socially and religiously oriented are
higher in their social responsibility—they care more about others around them and in the world generally.

Flexibility is negatively related for those who score higher on economics. In other words, those who are more motivated by earnings tend to approach things more rigidly. Those who are motivated politically are higher in their reality testing— their ability to accurately perceive other people and the world around them. Those who are more aesthetic—love art and literature—are less reality oriented.

The more religious and social members of this group are also more empathic. Those more driven by social values are also more flexible and happier.

Generally, however, members of this group are not successful because of their personal values. Their values are interesting dimensions of their diversity. In law firms today, talent is what matters most. This welcome reality opens the doors for all types of diversity.

Diversity

Embracing diversity will present huge opportunities for law firms. On the other hand, ethical considerations aside, failure to do so will present huge costs.

Baby Boomers, individuals born between 1946 and 1965, presently comprise approximately 60 per cent of the workforce. They will shortly retire in massive numbers (see “Retiring Mandatory Retirement” in this issue of Lexpert). As pointed out in a 2003 National Association of Manufacturers Report in the US, “The labour shortages that plagued high-tech companies in the halcyon days of 1999 and 2000 will look like a minor irritation” compared to what is on the horizon.

Toronto and Vancouver have the highest concentration of immigrants in North America, with 43.7 and 37.5 per cent of their respective populations coming from other countries. By comparison, only 24.4 per cent of New Yorkers were born outside the US.

The opportunities are obvious. It is useful to quote a recent article by Richard Florida (“America’s Looming Creativity Crisis,” Harvard Business Review, October 2004) at length. “Chinese and Indian engineers were running nearly 30 per cent of California’s high-tech companies in the 1990s—up from 13 per cent in the early 1980s…these firms collectively accounted for nearly US$20 billion in sales and more than 70,000 jobs.

Trends are eye-opening, but individual cases are perhaps even more important. What if, for example, Vinod Khosla, the co-founder of Sun Microsystems and venture capital luminary who has backed so many blockbuster companies, had stayed in India? Or if An Wan, founder of Wang Laboratories, had gone to university in Europe? These are people whose creative genius had affected the trajectory of entire industries; their breakthroughs and business acumen have helped set in motion what the economist Joseph Schumpeter liked to call the ‘gales of creative destruction’ that create new companies and industries and completely remake existing ones.”

Recognizing Talent

For the most part, the golden rule of talent recognition continues to apply. That is, the past is the best predictor of the future. Members of our group have personal, academic, and professional track records that speak to solid and continuous achievement. However, there are individual differences with respect to volume and quality of accomplishments.

The curriculum vitae of a number of our lawyers belie their age. Their accomplishments could easily be mistaken as those of someone 10 or even 15 years older. Generally, these individuals are doing a lot more of everything; writing books, teaching, huge time commitments to business development, raising families, and so on. Sunny Handa at Blakes in Montreal is but one example.

An adjunct professor of law at McGill, Handa has written or co-written eight books to date.

On one hand, these lawyers repeatedly emphasized that what they do often does not “feel” like work. On the other hand, it does not require a skeptic to wonder aloud as to whether a number of our group are not too close to the edge of the envelope. Again, central to the future success of this group will be their ability to maintain balance among the attributes that drive and characterize them.

Luck

Luck, according to many of the group, was an important aspect of their careers. Most attribute some of their success to good fortune. While this may be true, high achieving people are also more likely to spot the potential for “luck” and make it happen.

Cheryl Slusarchuk, a technology partner at McCarthys in Vancouver, provides a good example of how high achievers make their own luck. Slusarchuk finished law school and then practised in Australia, essentially because she and her
husband thought it would be “fun” to work abroad. Upon returning to Vancouver and joining McCarthys, she set her mind to how she would contribute to building a first-rate technology practice for the Vancouver office.

Slusarchuk smiles when asked about one of the many achievements listed on her curriculum vitae, being selected as one of the “Top 40 Under 40” business people for 2003 in Vancouver. “I basically plotted it out,” she confesses. “I recognized it as a means towards building a Vancouver presence. I thought it out and spent a lot of time talking to over 20 people who make the decisions about the Top 40 in Vancouver.” Slusarchuk illustrates an important point about luck. High achievers pursue it.

**Where Does the Motivation Come From?**

The members of our group completed a confidential Motivation assessment. Their group scores identified four primary sources of motivation which are:

- **Engagement** (top 90th percentile) — the desire to be regularly engaged in activity, usually work related. Uncomfortable when they have nothing to do. When this factor is too strong individuals are described as “workaholics” neglecting aspects of their personal life.

- **Persistence** (top 90th percentile) — the willingness to exert significant effort over long periods in order to reach a goal. Can concentrate fully on task at hand without being distracted. Tenacious or energetic.

- **Dominance** (top 89th percentile) — the exercise of power and influence over others. Likely to initiate and seek control over activities. They take dominant roles in influencing team results, often by way of leadership.

- **Confidence in Success** (top 86th percentile) — Confident in achieving success even when there are formidable obstacles to overcome. They anticipate their efforts will lead to success. They have faith in their knowledge, skills and abilities as opposed to luck or fate.

These are very high group scores. They are also strikingly consistent with the TAIS and EQ group scores, providing strong validation that all score results are accurate.

A significant implication arising from these group scores is the strong probability that the various aspects of who these people, are in terms of temperament, skills, EQ and motivation, will play-off against one another and thus provide further leverage. For example, their motivational persistence together with high EQ capabilities for assertiveness and independence, plus the fact that they are in the 79th percentile in terms of control, strongly suggest a “take charge” type of person. Their motivation that is driven by confidence is again leveraged even higher by their TAIS score of 94th percentile in self-confidence and their EQ competency of self-regard, which is also well above average. In short, the cumulative assessment scores for our group clearly illustrate a situation where strength reinforces strength.

**Fire in the Belly**

One of the leading indicators of high achievers is what we call “fire in the belly.” This is deep-seated, driving need, at times almost inexplicable, to compete, to succeed, to accomplish. Where does it come from? The answer is not easy to ascertain since a strong drive to achieve appears to come either from one’s hard-wiring (i.e., personality factors as measured in the confidential assessments completed by our group) and/or through shaping experiences during formative years (as discussed during the interviews with group members).

A common source of motivation for almost two thirds of our group appears to have come from their formative years, specifically from forms of adversity. Several had a parent die or become seriously ill. At an early age these individuals found themselves in a position of responsibility where younger siblings and others relied upon them. Many had parents who immigrated to Canada and experienced with their families all kinds of hardship, from financial to loneliness, language and other challenges. A common theme runs through their experience—a desire for upward mobility and something better. Education was almost always a core family value, seen as the gateway to opportunity.

Steeve Robitaille in the Montreal office of Stikeman Elliott has achieved significant success and professional regard as a corporate lawyer. He grew up in a poor family. He was the youngest of three children. “Initially my mother was a barmaid,” Robitaille recalls. “She scraped together enough money to take a hair dressing course and then opened a salon in our house. We were always upwardly mobile. I grew up always looking for more.”

Christian Sioufi is an accomplished corporate lawyer in the Montreal office of Ogilvy Renault. He is yet another example of personal and professional success notwithstanding significant adversity. Sioufi grew up in Lebanon where a terrible civil war dominated 15 of the first 18 years of his life. In his graduating year, his high school was open for classes for only
three months. He studied along for the Baccalaureate, achieving honours.

These are but representation examples that illustrate how adversity, when coupled with the strong need to become independent and achieve success, shapes motivation. In contrast, research on the achievement levels of the children of high achievers shows, sadly, that their achievement drive is significantly lower than that of their parents. Reasons advanced for this seemingly anomalous situation include the absence of struggle and failure on the part of the children along with low levels of independence (as their parents provide everything for them).

Clearly some members of our group of 40 have had little personal adversity in their lives. They came from strong middle or upper middle class families with professional parents. What is clear is the role that strong supportive parenting has played for these individuals. They voice deep gratitude for parents who unequivocally believed in them and supported them. “My parents are still the happiest, most loving people I know,” says Michelle Awad at McInnes Cooper in Halifax. “The base of stability that this has afforded me has been an important jumping off point for my own endeavours and risks.”

Often these individuals were one of three or four children and it is apparent that not all of their siblings were as driven as they were to achieve success. Birth order has nothing to do with anything. It is completely random.

The probability that some high achievers are simply hardwired for success is evident in the TAIS scores, and to some extent the EQ scores, of our group. Extremely high scores, such as being in the top two or three per cent of the population in terms of the “need for control” and “being in charge,” are not unusual for a number of our group members, particularly when these scores are coupled with exceptional levels of independence and assertion.

All of this creates unusual patterns and exceptional levels of key skills and qualities (e.g., control, confidence, assertion, independence) that are significant contributors to fuelling the motivation to succeed. All of this contributes to “fire in the belly.”

Interviews revealed that a number of group members (enough to establish a pattern) gave up on various activities at fairly advanced levels. They realized they just were not going to play or perform at the level they wanted. Andrew Brodkin decided to stop playing competitive hockey for this reason. Brodkin is certainly not the only member of our group who quit something. This is not about failure. Quite the opposite. It illustrates personal decisions about where and how to best focus on one’s energy for success. This highlights another important feature of our group. They self-select pursuits where they can be most successful.

**Cloning Excellence**

Central to law firm success and achieving competitive advantage is talent. This is not news. More specifically, how can a firm acquire a disproportionate percentage of top talent? It is ironic, but not surprising, that in a time of open concern that Canada may have too many law firms and lawyers for a contracting corporate market, the number one issue that keeps many managing partners awake at night is how to get and retain greater numbers of top talent.

And rightly so. One top performer can easily contribute more value than multiple partners of more modest abilities. The revenue implications are significant. Moreover, high achievers redefine boundaries. They are intensely focused. Their geographic market is defined by the clients, whom they follow throughout the US, Mexico, and Europe. Further, they raise the bar within their firms and seriously influence firm culture by maintaining or establishing achievement benchmarks.

If and when major law firms bring to the complex task of recruiting and retaining people the same rigour and discipline they bring to their best client files, they then will likely be rewarded in much the same way. They also need to emulate the best practices of their best clients.

Consider the following. A large or mid-sized law firm decides to redefine itself and its place in the legal hierarchy. It begins with a talent strategy that begs, borrows or steals from the best practices in the market. One of the goals is to increase per partner revenues by 10 per cent. This is accompanied by a recruitment strategy that is aggressive (e.g., offers significantly above market inducements to targeted senior laterals).

The firm requires all senior laterals to undergo full psychological and competency-based assessments, in much the same ways that leading corporations such as Citibank do with all
important executive hires. This immediately sends a message to the market and other potential recruits that the firm is “serious” about recruitment. It significantly reduces the risks and costs of misplaced expectations and cultural integration. It is noteworthy that senior laterals find the process valuable and enlightening (due to the in-depth discussions that take place).

At the other end of the spectrum, the firm decides to “hard-wire” student recruitment. While it is too costly to administer the TAIS, EQ and Motivation assessments, the firm does draft specific questions that “flag” such targeted indicia of success as confidence, focus, low distractibility, stress tolerance, problem-solving abilities and so forth.

Another facet of the firm’s strategy addresses moving underperformers up or out. It involves setting “stretch goals” for each lawyer in much the same way that successful corporations make all their people responsible for growth. It incorporates a “people plan” similar to the “learning organization” pioneered at Citibank. Senior partners rank their partners and associates. With respect to the bottom 10 per cent, the firm puts plans in place that move the lawyers up or out in a maximum of two years. This no-nonsense approach to underperformers results in an overall lifting of standards and performance. It is greatly appreciated by high performers. Partners and associates who cannot or will not meet their “stretch goals” often choose to leave (avoiding costly outplacement and embarrassment, etc.).

This hypothetical talent strategy could be mapped out further, but that is not the point. The point is that when lawyers devote the same logical analysis, measurement, integrated solutions and rigour to themselves and their firms that they do to their practices and the affairs of their clients, they will then enjoy the same success.

Is it worth it? One only has to take a careful look at our group of 40 to know the answer.

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