February 2015

PD Quarterly

Offering thoughtful, in-depth explorations of lawyer professional development and talent management topics by PD people for PD people.

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Catching Up with Our Clients: Using Assessments to Manage Our Talent More Effectively

by Bonny Forrest

> *To make better use of assessments, we need a fuller understanding of the types of instruments, the range of uses to which they can be put, and how to choose wisely among the dizzying array of options now on the market.*

Step by step, law firms are beginning to catch up with their clients in the use of assessments to improve how they hire, develop, and promote their talent. More firms are using a variety of assessments, and the "business" case for using them has been convincingly made by such prominent voices as Aric Press, long-time Editor in Chief of *American Lawyer Media*. But our progress has not yet been particularly systematic, and it is rare to find a firm that has taken a comprehensive approach to using assessments as part of its strategy for managing its talent. "Comprehensive" doesn't mean using many assessments; it means deciding how and when assessments can be useful, choosing the best ones for specific purposes, and then using them intelligently.

If firms are to make better use of assessments, we need a fuller understanding of the types of instruments, the range of uses to which they can be put, and how to choose among them. That choice can be difficult because most consultants who provide assessments focus solely on one or two, and because it's difficult for a layperson to evaluate the sometimes overstated claims that commercial assessment providers make for their instruments' validity and reliability (more about these terms later). This article will help you to think more comprehensively about using assessments and to choose more wisely among the dizzying array of those on the market.

TYPES OF ASSESSMENTS

Assessments come in a variety of forms. Most assess individuals, but others focus on organizational culture or on the "success factors" that distinguish an organization's most successful members. As firms began to experiment with assessments, they typically started with individual instruments, occasionally as part of the hiring process but more often for developing and coaching lawyers after they join the firm. However, as firms become more sophisticated about assessments, they are also showing interest in organizational instruments, which can be especially useful for firms undergoing change, merging, or incorporating many laterals.

Assessing the Individual

In U.S. and Canadian law firms, the most widely used instruments are self-assessments of individual personality (for example, the Myers-Briggs Type Indicator or the Hogan Personality Inventory). But assessments can also test for aptitudes or cognitive abilities, a function that some U.K. firms have incorporated into their initial hiring process, and they can assess individual values.

Personality

Personality is by far the most commonly assessed construct in law firms. It has both internal and external components: traits "inside" us that influence our behavior toward others, and the distinctive styles of interacting, communicating, and working that generate the impressions we make on others. Personality seems to be stable over time. There isn't much we can do after age 30 to change the general nature of who we are, although we can continue to change how we behave and, as a result, the impression we make on others.

> *…Personality is a huge and complex concept, and different assessments derive from different theories or "constructs" about what constitutes personality.*

However, personality is a huge and complex concept, and different assessments derive from different theories or "constructs" about what constitutes personality. Among psychologists who are assessment experts, a consensus has developed that the best measures of personality, especially for predicting performance, boil down statistically to five common elements: extroversion, agreeableness, conscientiousness, emotional stability, and openness to experience. This "five-factor" framework underlies such instruments as the Hogan Personality Inventory. A narrower framework that focuses on just some aspects of the five elements stems from work by Timothy Judge and Joyce Bono. It addresses four traits their research shows to be correlated with job satisfaction and job performance: self-esteem, self-efficacy (a belief that the person will succeed at any task), locus of control (a belief that the person can control the environment rather than being controlled by external forces), and emotional stability. Finally, the Hogan Development Survey focuses on the less desirable aspects of our personalities — those that may emerge under stress and may not be covered under the five-factor framework.

Instruments such as the Myers-Briggs Type Indicator and the Hermann Brain Dominance Instrument rely on different theories of personality or in the case of the HBDI, thinking styles, and there is far less scientific agreement about whether these theories capture basic dimensions of personality, or enable the instruments to actually capture what they purport to assess. There is also less agreement about the basis for instruments that focus on one aspect of a personality, such as "resilience." Appendix B lists the traits that some of the most common instruments set out to assess.

Cognitive Ability, Aptitudes, and EQ

Cognitive ability. Cognitive ability refers most broadly to our ability to reason and solve complex problems. These broad skills can be further broken down into sub-skills: for example, the ability to perceive information, evaluate that information, and make judgments. Theories abound as to the specific components of cognitive ability, but well-designed cognitive tests can tap a broad range of abilities.

In the world outside law firms, general cognitive ability is one of the best predictors of job performance. For law firms, however, testing potential recruits for general intelligence — even if a firm summoned the courage to attempt it — would probably not have much value. Everyone who interviews for a job at a major law firm made it through the Law School Admission Test and law school successfully, so we are dealing with a very intelligent group of people. Testing within a restricted group already selected for high intelligence becomes difficult and less useful.

That said, several U.K. firms, including Clifford Chance, use tests such as a verbal reasoning test or the Watson-Glaser Critical Thinking Appraisal as an initial step in their hiring process for trainees (the step between a legal education and becoming a full-fledged lawyer) and the U.K. equivalent of summer associates. However, these firms typically use cognitive tests as part of a broad "assessment center" approach, which also includes interviews and the situational-judgment assessments described below. Some research seems to show that this combined approach is incrementally better at predicting performance than relying solely on interviews or cognitive or personality assessments, and that it also is less likely to disadvantage minority applicants.

Aptitude. Aptitude tests are a variation of cognitive ability tests. Although we normally think of them as the paper-and-pencil or online tests we took during our educations, a different type of assessment is often used to measure situational judgment — that is, a person's ability to respond effectively to specific types of complex situations or to work effectively in a team. These assessments use common scenarios that a candidate might face on the job to help the employer understand the candidate's reaction. In some versions, the candidates respond by answering questions online; in the more effective versions, they respond in an interview setting before lawyers or recruiters who are trained to assess their responses. These types of situational assessments are common among U.K. firms, and are sometimes used at promotion points, including promotion to partner, as well as at the hiring stage.

Emotional intelligence. Within the psychological literature, emotional intelligence has two distinct definitions: a core ability to perceive emotions (for example, can I tell that someone is angry or disgusted?), and a broader, mixed set of skills that involve, for example, understanding one's own emotions and managing the effect of emotions on oneself and others. The core ability seems distinct from more general intellectual abilities, while the broader array of skills seems to overlap with general intelligence. Although much has been written about the importance of emotional intelligence as a distinct type of intelligence that predicts organizational success, the science of EQ is in its infancy. There is still no consensus as to what EQ consists of and, at least in regard to the broader definition of EQ, little scientific data to support assertions about its predictive force — even though it seems obvious that aspects of EQ are critical to being part of a team or being a successful leader. There are a number of EQ instruments, including the Emotional Quotient Inventory (EQ-i) and the Mayer-Salovey-Caruso Emotional Intelligence Test (MSCEIT).

Values and Interests

Values are goals that are important to us, such as success, serving others, or autonomy. Interests include the things we like doing, such as solving problems or reading. In both our professional and personal relationships, we tend to prefer associating with those who have similar values and interests. Although some firms have begun to focus on the importance of values to the fit between a lawyer and a firm, this kind of assessment is used much less frequently than personality assessments — in part, perhaps, because for an individual assessment to be useful a firm would also have to decide the values it considers most important. However, these assessments can be helpful as part of a more comprehensive assessment strategy to assess lawyers' fit for a firm or to help them adapt when they join it. One example is the Law Firm Culture Analysis created by the Legal Talent Lab and used by law firms that participate in the OnRamp Fellowship's program for women lawyers re-entering the practice. Although it's called a "culture" analysis, it seems to focus on the values of individual lawyers in an organization, rather than on culture in the organizational sense described below. The Hogan Motives, Values, and Preferences Inventory has also been used in firms for this purpose.

21st Century Skills

Recently, the U.S. National Research Council launched an initiative to explore the critical abilities for 21st century workplaces, with one goal being to develop assessments that reflect the abilities that have become more important in this century. It concluded that three clusters of skills are most important:

- Cognitive skills: non-routine problem solving, critical thinking, and systems thinking (that is, the ability to understand how an entire system works and how changing one aspect of it might affect the rest).

- Interpersonal skills: complex communication, social skills, teamwork, cultural sensitivity, dealing with diversity.

- Intrapersonal skills, which fall primarily into the categories of adaptability, self-management, and self-development.

Although the initiative focuses on the entire workforce, its findings could easily be adapted to a broad-based approach to assessing aptitude in lawyers — and, not surprisingly, the abilities on which it focuses overlap with those that emerged from studies of successful lawyers.

Assessing the Organization

While most of the assessments currently used by firms are designed to better understand the individual, there is increasing interest in organizational assessments, both those designed to understand the characteristics of successful lawyers in the firm (or a practice within the firm) and those designed to understand a firm's organizational culture.

Assessing What the Work Requires

To make good use of individual assessments, it is imperative to understand what abilities are essential to a lawyer's work and his or her role in the firm. Many firms now have "competency" models that describe the skills and abilities necessary for success at a particular level of seniority and, sometimes, in a particular practice. Often, however, these descriptions are so general, and so focused on the conventional lawyering skills, that it is difficult to make a connection between them and the aspects of personality or ability on which individual assessments focus.

A promising development has been the attempt to identify the traits and abilities that mark successful lawyers in general (see Appendix A) or, more usefully, the senior lawyers who are most successful in a particular firm and, perhaps, in a particular role in that firm (for example, developing business). If a firm contemplates using assessments more systematically for hiring or developing lawyers, it will be working in the dark unless it undertakes this kind of internal exploration of the "success factors" that matter most. For example, before McKenna Long began using the 16 Personality Factor Questionnaire (16PF) assessment in its hiring process, it undertook that kind of internal research in order to be in a position to interpret the results intelligently.

Conducting a firm-specific assessment of "success factors" is a complex task, both practically and statistically. It involves more than the round of interviews and focus groups on which law firm competency models are most often based, and the results require substantial statistical sophistication to interpret.

Assessing the Organizational Culture

Culture is a complex web of often implicit attitudes, habits, and traits that govern how an organization works, and especially how people approach their work and interact with each other. Because it's complex, it is not easy to assess, and the assessment of organizational environment or culture in law firms is in its very early days. However, these assessments can be valuable in at least three ways.

First, given the stress on firms as they respond to increasing competition and changing demands from clients, or as they merge, downsize, or acquire other firms, organizational assessments can be particularly helpful for managing organizational change and aligning attorneys with those changes. Second, they can put firms in a better position to ensure that the lawyers they hire and promote will thrive in the firm's specific environment. A lawyer who is very successful in one firm may fail in another simply because the traits and behaviors that worked so well at the first work less well at the second. Third, they can help firms that are merging to understand and manage the cultural tensions that can damage a merger between firms with deeply imbedded and differing cultures. In fact, if firms were to conduct these kinds of organizational assessments before they decide to merge, they might sometimes conclude that the combination would not work well over the long haul.

There are a number of corporate organizational assessments on the market and, as in other areas in which assessments are used, no one instrument is best for all purposes or firms. The purpose and context should inform the selection. Among the available instruments, the Organizational Culture Assessment Instrument (OCAI) and the Denison Organizational Culture Survey (DOCS) both have a research base to support their use. Another instrument, the M&A Compatibility Mapping assessment, is specifically designed to identify cultural conflicts between merging companies. However, very few instruments have yet been designed specifically for law firms. An exception is Edge International's Law Firm Cultural Assessment.

THE USES OF ASSESSMENTS

Hiring

Law firm recruiters have long since acknowledged that the traditional criteria for hiring new associates — law school grades plus the impressions gleaned from one-on-one interviews — do not do a good job of selecting the most promising recruits. As a result, many firms have trained their interviewers to conduct "behavioral" interviews, which assess how a candidate has performed or will perform in specific situations, such as handling a conflict or leading a team. So far, however, few U.S. and Canadian firms have been willing to include formal assessments in their recruiting process. One exception, as this article has already mentioned, is McKenna Long.

Given the costs of training and replacing lawyers who turn out not to be a good fit, you might think that law firms would flock to incorporate more scientific approaches into their recruiting process, as Aric Press argued in *The American Lawyer* in 2013. Why hasn't that been the case?

Aside from the fear of offending potential recruits, there are three challenges.

First, using assessments for selection requires a precise understanding of the skills, abilities, and traits that are most frequently associated with successful performance in a particular firm.

Second, the instruments chosen must not only meet the reliability and validity tests, and be based on a demonstrated correlation between what they test for and what is required for the job, but also be unbiased and fair to all groups under the applicable legal standards.

Third, tests have to be integrated intelligently into the overall recruiting process and factored into the hiring decision along with other data. A personality assessment should absolutely not be used in isolation to screen applicants, although it could be used to guide subsequent behavioral interviews and reference checks — for example, to explore how a potential hire manages stress or works as part of a team.

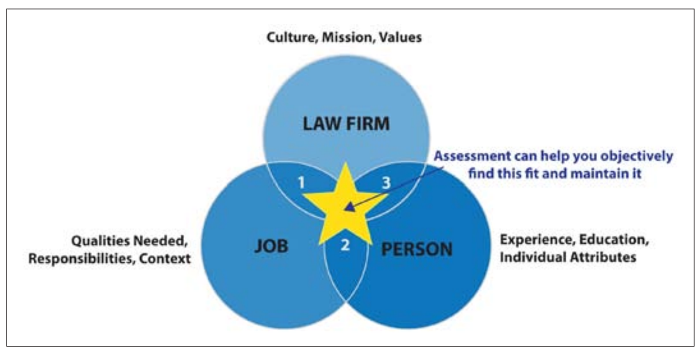
If you consider the relationship among the firm, the job, and the individual, the role of assessments for selection can be summarized as follows:

1. The firm has the job well-defined, and now needs to find someone who has the right skills and experience.

2. The person has the skill set for the job, but will he or she be a fit for the firm's culture and values?

3. The person has proven a good fit for the firm so far, but does he or she have the skills and traits for the next step in his or her career or in the firm's development, or for a move into a different practice?

Figure 1: Relationship Among Law Firm, Job, and Person



As corporations concluded years ago, using assessments in the hiring process can have major economic and human benefits. However, any personality assessment must be used very carefully, because the results may lead you to screen out someone whose preferred styles seem a poor fit if the instrument is not interpreted by an expert and is not used in conjunction with other types of information.

Guiding Training and Development

Once candidates are hired, assessments can be used to improve their performance by identifying potential strengths on which they can build and potential weaknesses on which they should work, as a guide to mentoring and coaching. This use can be particularly valuable to ensure the firm is providing equal opportunities for everyone to advance, whether or not they arrive with the traits that translate easily into, for example, an extroverted approach to forming relationships or an organized approach to managing their time.

In addition, assessments can sometimes guide the topics emphasized in formal training programs. If a substantial percentage of entering lawyers prefer working alone, for example, then the firm would benefit from programs that demonstrate what it means to work and communicate effectively in a team. Or, if a substantial percentage have traits that suggest they may be too casual about time management and organization, those results suggest that training programs should emphasize those abilities.

Creating Self-Awareness and Improving Teamwork

So far, the most widespread use for assessments in law firms has been to help lawyers understand their dominant traits and styles so they can manage themselves more effectively and interact more smoothly with others who have differing traits and styles. This function of assessments is valuable in several contexts: for example, helping those new to a firm avoid unnecessary conflicts and misperceptions, helping senior lawyers to manage other lawyers, and helping teams to work together.

Lawyers can benefit more than most groups from these assessments. On average, lawyers have certain personality characteristics that serve us well in much of our work: for example, we tend to be task-oriented, to approach problems rationally, to work with a sense of urgency, and to be skeptical. But the very traits that make us good at what we do can make us less successful at the "softer" aspects of our roles that become more important as we become more senior: building relationships with clients, for example, or leading teams, or defusing stressful situations.

In addition, as work by Dr. Larry Richard and others has shown, some traits that are important for long-term success in high-pressure environments are less prevalent among lawyers than among other professionals: for example, "adjustment," or the ability to be steady in the face of pressure; interpersonal sensitivity; and resilience in the face of criticism or setbacks. Understanding that we may need to work on strengthening some of these traits can be tremendously helpful to our careers.

Almost any instrument that promotes self-awareness will do some good, especially because lawyers as a class tend to be oblivious to their own traits and styles. But some instruments are more effective than others for specific purposes, such as focusing on traits that are important for working on teams or meshing with clients' styles. Whatever the instrument, it is dangerous to assume that lawyers will be able to interpret and apply the results on their own. That step has to be taken promptly either with a coach or in a workshop that's designed to help them fully understand the results and figure out how to use them in their work. Despite the skepticism with which most lawyers approach personality assessments, these workshops are almost always both eye-opening and practically useful for the participants.

Coaching

More law firms are turning to what corporations call "executive coaching" to speed their lawyers' development, especially at the senior levels. Although the research on the effectiveness of coaching is still relatively slender, there is some evidence that it can be effective, especially to help leaders build on their strengths.

Assessment is at the heart of good coaching practice, and most coaches use assessments to gain insight into a client and to begin the coaching conversations. Often, coaches will use a combination of measures as part of their overall plan for developing an individual. The measures may include, for example, assessments of personality, abilities, values, interests, learning styles, and emotional intelligence, as well as 360-degree feedback assessments.

Listing all of the instruments available for this purpose is beyond this article's scope. The important point: find coaches who have access to and training on a wide variety of measures, not just one or two, so they can choose the best instruments for the person and the goal of the coaching.

Leadership

Assessments can be used in several ways to develop or select lawyers for leadership roles. First, they can show a firm which partners possess traits that will make it easier for them to develop the skills to lead groups. Second, assessments can help lawyers develop leadership abilities earlier in their careers. Finally, they can help current leaders become more effective. Firms that have used assessments for this purpose find that leaders benefit from understanding their traits and the strengths and weaknesses that flow from them.

As with the use of assessments for hiring, however, it is critical to understand what makes leaders effective in a specific firm and, even, in a specific role in the firm. Leaders who flourish in one firm may fail in another, and a partner who successfully leads a large client team may not be able to translate that success into leading a practice group.

Selecting an assessment to focus on leadership takes some thought. Theories of what constitutes effective leadership abound, and each theory tends to focus on different traits and skills. Although almost any instrument that promotes self-awareness will help lawyers to become more effective leaders, the choice should be made in the context of the leadership behaviors that the firm particularly wants to develop (for example, managing conflict, creating collaboration, or generating enthusiasm for difficult changes), rather than relying on general leadership theories. The potentially useful assessments include the Multifactor Leadership Questionnaire and the Executive Dimensions 360-degree assessment.

Business Development

Personality assessments have several potential benefits in this area — for example, identifying strengths on which lawyers can rely to develop business development tactics that they will find energizing rather than stressful. Most commonly, however, assessments are used to help lawyers learn to recognize the styles of clients and potential clients more quickly, so they can mesh with those styles. Is the client quickly bored by details, or fixated on them? Does she enjoy exploratory, brainstorming conversations, or assume the goal of a conversation is to reach a quick conclusion and move on? If lawyers can't quickly pick up on the styles of the people with whom they deal, they run the risk of inadvertently imposing their own style on someone who won't like it.

EVALUATING AND SELECTING ASSESSMENT INSTRUMENTS

At this point, you may be itching for me to say something like "Here are the best three instruments; use these." But I hope it has become increasingly clear why making that kind of recommendation would be a mistake. This section should help you to ask experts and purported experts the right questions about the appropriate assessments for your purposes.

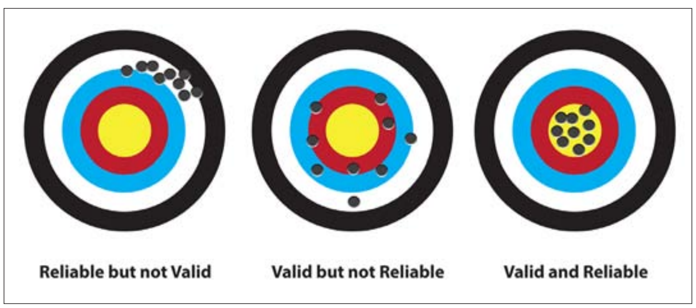
Purpose and Relevance

In choosing an assessment, as I've already suggested, the first step is to be very clear about the purpose for which it will be used and how well the assessment serves that purpose. Do you need an instrument that promotes general self-awareness and the ability to work with others who have different styles? Or do you want to focus more specifically on the traits that help to build teams or lead practice groups? If you plan to include assessments in your hiring process, what is your goal — to look for candidates who are more likely to succeed once they become partners, for example, or to probe for strengths or weaknesses that will make a difference in the earlier years?

Validity and Reliability

In the simplest terms, validity has to do with whether an instrument measures adequately what it purports to measure. This question becomes more difficult to answer for psychologically complicated theoretical constructs such as emotional intelligence, where the instrument is trying to measure a range of characteristics. Reliability has to do with whether an assessment measures what it purports to measure consistently, over time and across many people. If I test my ability to do a simple math problem today with a particular measure, will I get the same score next week, or next year, or on both the first and the second half of the test? And, if I have the same level of ability as the person next to me, will our results be the same?

Figure 2: Reliability and Validity



In the context of using assessments for hiring, it is helpful to think of validity as the yellow center of the target for which the organization is aiming — the attributes it would like its hires to have — and reliability as the various "shots" that it takes at the target, or the candidates it interviews. If an instrument is reliable but not valid, it may find a number of candidates who do in fact share the same attributes — but they may not be the right choices because the instrument doesn't actually measure what it purports to measure. Conversely, if a measure validly assesses a skill but only measures that skill accurately for every third applicant, then it isn't reliable, and those who actually possess the attribute will perform differently on the assessment. A good measure hits the "target" consistently, because it consistently measures the attributes for which the firm is searching, across candidates or on successive administrations with the same candidate.

Validity and reliability matter most if you plan to use an assessment for hiring or other selection processes, but you should learn about the validity and reliability of any assessment before choosing it. That may not be easy. For many instruments, it is difficult to dig beneath the claims of those who publish and use them to find the data on which the claims are based. Every commercially marketed instrument claims good reliability and validity, but these claims are often qualified or contradicted by other researchers. Sorting through these claims can be confusing, especially because there are a number of validity and reliability measures. If validity and reliability matter in your choice of an instrument, it is important that the person making the choice understand how they are measured, and also understand the degree of reliability and validity appropriate for a particular instrument and purpose.

To further complicate the picture, if an instrument is used to assess "fit" for a firm or a role in the firm, you should consider whether it has been "normed" in that specific environment. For instance, using the example of a mathematics test, a group of engineers would be expected to perform very differently than a group of lawyers. As a result, it may be necessary to "recalibrate" or re-norm an instrument within a particular environment to make certain you can understand what a score means for that environment.

For a summary of the psychometric properties of an instrument, one place to start is the Mental Measurements Yearbook from Buros Institute; it provides user-friendly information online for evaluating an instrument. Psychologists generally agree, however, that the personality assessments with good validity and reliability include two of those commonly used by firms, the Hogan Personality Inventory and the Caliper Profile. That doesn't mean that they are necessarily better than others for a specific purpose, or that no other assessments have adequate validity and reliability.

Recently, the Myers-Briggs Type Indicator (MBTI) has attracted some of the most heated debate about using assessments. In essence, the MBTI is designed to measure psychological preferences in how people perceive the world and make decisions — preferences that register with others as particular styles of working, communicating, and interacting. It has gained enormous popularity within the business world, but it has been heavily criticized in business blogs and in the psychological and assessment literature for a number of reasons, including mixed data on reliability and validity resulting from methodologically weak studies of its use.

Despite these problems, the MBTI has what is generally referred to as "face" validity — that is, most of those who take the assessment perceive that it captures real-world characteristics and is a roughly accurate portrait of their preferences — accurate enough to start the process of increasing their self-awareness and helping them work more effectively with others. In addition, the MBTI, especially in its Step 2 form, strikes a balance between being user-friendly and easy to understand on the one hand, and, on the other, sophisticated enough to appeal to a lawyer's analytical tendencies.

As long as tests like the MBTI are used in the context of their limitations, and those limitations are explained by a qualified professional, it seems a red herring to focus on their strict scientific properties rather than their usefulness for a specific purpose. To be clear, the MBTI and many other popular tests should not be used to predict performance or behavior, or in isolation to make career- or relationship-changing decisions. But, as long as assessments are used by trained professionals who understand their limitations, it's more important to begin the discussion of strengths and weaknesses in the workplace than it is to exclude useful instruments because they cannot meet the more rigorous tests of validity and reliability.

The same common-sense view should apply to some of the other criticisms of using assessments: (1) they aren't valid for predicting the best fit for a job or who will become the best partners; (2) people can fake the results by how they answer the questions, and will behave differently in the reality of a stressful workplace; and (3) they don't cover all aspects of what influences behavior. Each of these criticisms may be more or less true for a specific instrument, but they often aim at a straw man: an unrealistic or overstated definition of what an assessment can achieve or how it should be used. There is a place for instruments that have been widely used because they are effective for more specific purposes, even if other instruments have greater validity and reliability or are based on a theory about which there is greater scientific consensus.

INTEGRATING ASSESSMENTS INTO TALENT MANAGEMENT PROCESSES

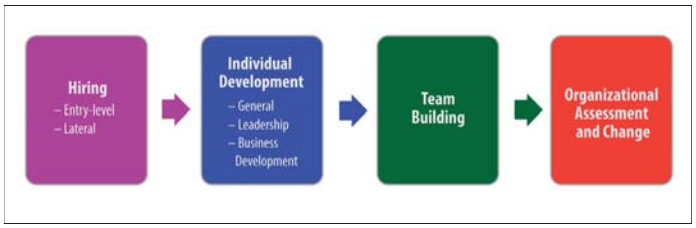
Ideally, a talent management program would use a number of assessments for multiple purposes and at multiple points. For some firms, the most valuable use might be in the hiring process, to reduce the number of costly unsuccessful hires and to raise the chances of hiring lawyers who will stay with the firm and succeed as partners, not only as junior associates.

At the developmental stage, assessments can be used generally to help individual lawyers recognize potential strengths and weaknesses, to work more effectively with others, and to help chart their developmental path. They can also be used more specifically to develop a lawyer's effectiveness in areas such as leadership and business development. And they can be used by mentors and coaches to focus their work with a lawyer.

Within a team or group of lawyers who work together consistently and are willing to share their assessment results with each other, an assessment can help them understand their different working and communication styles and, as a result, defuse tensions and find complementary strengths.

While a firm might use different assessments for different purposes at stages of a lawyer's career, it will also benefit from exposing as many people as possible over time to the same instrument, such as the Myers-Briggs or the Hogan Personality Inventory, so they develop a shared understanding of differing styles and a common vocabulary for discussing them.

Figure 3: Integrating Assessments into Talent Management



Finally, organizational assessments of culture and values (does the firm put a high value on treating people fairly, for example, or on a survival-of-the-fittest mentality?) can help not only to understand the potential fit between individuals and the firm, but also to gauge the changes the firm may need to make to respond to external market demands, the changing nature of the legal profession, or changes in its own strategic direction.

THE BUSINESS CASE HAS BEEN MADE

The business case for using assessments more systematically in law firms seems incontrovertible: their potential benefits to the firms, both economically and professionally, and to individual lawyers should at this point be beyond dispute. If more evidence were needed, some appears in a recent survey by Heidrick & Struggles of managing partners and general counsel. (*Bridging the Gap: Talent Strategies to Align Law Firms with Client Needs*.) Among general counsel, 73% said that quality of staff is the most important factor when they choose a law firm. Meanwhile, managing partners were far from fully satisfied with how their firms managed their talent and, in particular, with the alignment between recruiting and development strategies and the firm's long-term strategy. While assessments are only one among many methods of addressing these concerns, firms that fail to use assessments systematically will lack a critical piece of the talent management puzzle — as clients who have relied on assessments for so long will increasingly begin to perceive.

As the Heidrick study suggests, the more a firm thinks of itself as an organization with a coherent set of values and a culture that contributes to its overall success, the more likely it will be to use assessments as part of its overall talent management strategy. Conversely, the more a firm identifies itself as a group of partners with largely individual agendas and strategies, the less it may be open to introducing objective measures of any kind, including assessments, into its hiring or development processes.

For talent management professionals in many firms, therefore, the task will be not only to decide how assessments should be used, but also to convince the firm to use them. As with all change, a key question may be whether to introduce an innovation in easy, small steps, or more globally, as a new element of the firm's talent management strategy. For firms that are skeptical, the first approach usually works best. In either case, however, there is more than enough data about the effectiveness of assessments in general — and, increasingly, their effectiveness in law firms — to make the case even to the skeptics.

I am grateful to those who were generous in talking with me about this article and contributing to its content. They include Bill Henderson, Jennifer Queen, Dr. Larry Richard, and Stephanie Willson.

About the Author

Dr. Bonny Forrest practiced in California and New York City at Skadden and Shearman & Sterling, as well as in-house at financial institutions, before completing her doctorate in psychology at Columbia University, with fellowships at Yale and the National Institutes of Health. In addition to her private practice, she is currently a consultant and expert witness. For questions she may be reached at (917) 687-0271 or bonforrest@aol.com.

Appendix A

Studies of "Success Factors" Among Lawyers

This list includes several studies of the traits, abilities, or other attributes that characterize successful lawyers generally. There have also been at least a few studies of firm-specific "success factors," but the results have so far been closely held by the firms. The first item below provides a little insight into one such study.

Bergin, J. and Paquette, R., *Moneyball Indeed!*, KermaPartners Quarterly, 2008, Issue 3. Also see *Foxes, Hedgehogs and the Future Profitability of Law Firms*.

Berman, L. and Bock, H., *Developing Attorneys for the Future: What Can We Learn From the Fast Trackers?*, 52 SANTA CLARA L. REV. 875.

Foster, J., Richard, L., Rohrer, L., and Sirkin, M., *Understanding Lawyers: The Personality Traits of Successful Practitioners*.

JD Match and the Right Profile, *Assessing Lawyer Traits and Finding a Fit for Success*.

Parker, Evan (LawyerMetrics), *Want to Make It Rain? Take Risks*.

Parker, Evan (LawyerMetrics), *Want to Make It Rain? Motivate Your Team*.

Richard, L., *Herding Cats: The Lawyer Personality*.

Richard, L., Psychological Type and Job Satisfaction Among Practicing Lawyers, 29 Capital U.L.Rev. 979.

Shultz, M. and Zedeck, S., *Predicting Lawyer Success: Broadening the Basis for Law School Admission Decisions*.

Appendix B: The Characteristics Assessed by Some Common Instruments

This list is intended only to provide a snapshot of differences among some common assessments. The list is not comprehensive.

Hogan Personality Inventory	**Adjustment**: confidence, self-esteem, and composure under pressure **Ambition**: initiative, competitiveness, and desire for leadership roles **Sociability**: extroversion, gregariousness, and need for social interaction **Interpersonal sensitivity**: tact, perceptiveness, and ability to maintain relationships **Prudence**: self-discipline, responsibility, and conscientiousness **Inquisitiveness**: imagination, curiosity, and creativity **Learning approach**: achievement-oriented, stays up-to-date on business and technical matters http://www.hoganassessments.com/content/hogan-personality-inventory-hpi
Hogan Motives, Values, Preferences Inventory	**Recognition**: responsive to attention, approval, and praise **Power**: desiring success, accomplishment, status, and control **Hedonism**: orientated for fun, pleasure, and enjoyment **Altruistic**: wanting to help others and contribute to society **Affiliation**: enjoying and seeking out social interaction **Tradition**: dedicated to strong personal beliefs **Security**: needing predictability, structure, and order **Commerce**: interested in money, profits, investment, and business opportunities **Aesthetics**: needing self-expression, concerned over look, feel, and design of work products **Science**: wanting knowledge, research, technology, and data http://www.hoganassessments.com/content/motives-values-preferences-inventory-mvpi
Hogan Development Survey	**Excitable**: moody, hard to please, and emotionally volatile **Skeptical**: suspicious, sensitive to criticism, and expecting betrayal **Cautious**: risk averse, resistant to change, and slow to make decisions **Reserved**: aloof, uncommunicative, and indifferent to the feelings of others **Leisurely**: overtly cooperative, but privately irritable, stubborn, and uncooperative **Bold**: overly self-confident, arrogant, and entitled **Mischievous**: charming, risk-taking, and excitement-seeking **Colorful**: dramatic, attention-seeking, and interruptive **Imaginative**: creative, but thinking and acting in unusual or eccentric ways **Diligent**: meticulous, precise, hard to please, and micromanaging **Dutiful**: eager to please and reluctant to act independently or against popular opinion http://www.hoganassessments.com/?q=content/hogan-development-survey-hds
StrengthsFinder	The Clifton StrengthsFinder measures the presence of talents in 34 general areas referred to as “themes.” The report gives your top five (most dominant) themes. http://www.strengthsfinder.com

EI as an ability — MSCEIT	Based on scenarios typical of everyday life, the MSCEIT measures how well people perform tasks and solve emotional problems, rather than having them provide their own subjective assessment of their emotional skills. **Perceiving emotions** • Faces • Pictures **Facilitating thought** • Facilitation • Sensations **Understanding emotions** • Changes • Blends **Managing emotions** • Emotion management • Emotional relations http://www.mhs.com/product.aspx?gr=io&id=overview&prod=msceit
EI as a mixed set of skills — EQ-i	**Intrapersonal** (self-awareness and self-expression) • Self-regard: To accurately perceive, understand, and accept oneself • Emotional self-awareness: To be aware of and understand one's emotions • Assertiveness: To effectively and constructively express one's emotions and oneself • Independence: To be self-reliant and free of emotional dependency on others • Self-actualization: To strive to achieve personal goals and actualize one's potential **Interpersonal** (social awareness and interpersonal relationship) • Empathy: To be aware of and understand how others feel • Social responsibility: To identify with one's social group and cooperate with others • Interpersonal relationship: To establish mutually satisfying relationships and relate well with others **Stress management** (emotional management and regulation) • Stress tolerance: To effectively and constructively manage emotions • Impulse control: To effectively and constructively control emotions **Adaptability** (change management) • Reality-testing: To objectively validate one's feelings and thinking with external reality • Flexibility: To adapt and adjust one's feelings and thinking to new situations • Problem-solving: To effectively solve problems of a personal and interpersonal nature **General mood** (self-motivation) • Optimism: To be positive and look at the brighter side of life • Happiness: To feel content with oneself, others, and life in general http://www.mhs.com/product.aspx?gr=io&prod=eqi&id=resources

Hermann Brain Dominance	**Left mode thinking processes** • Logical • Analytical • Fact based • Quantitative • Organized • Sequential • Planned • Detailed **Cerebral mode thinking processes** • Logical • Analytical • Fact based • Quantitative • Holistic • Intuitive • Integrating • Synthesizing http://www.herrmannsolutions.com	**Right mode thinking processes** • Holistic • Intuitive • Integrating • Synthesizing • Interpersonal • Feeling based • Kinesthetic • Emotional **Limbic mode thinking processes** • Organized • Sequential • Planned • Detailed • Interpersonal • Feeling based • Kinesthetic • Emotional
Myers Briggs Type Indicator	**Sources of mental energy**: introversion vs. extroversion **Absorbing information**: sensing vs. intuiting **Making decisions**: thinking vs. feeling **Organizing**: judging vs. perceiving http://www.myersbriggs.org	
Caliper Profile	**Leadership** • Risk-taking • Energy • Ego drive • Assertiveness • Aggressiveness **Personal organization and time management** • Urgency • Thoroughness • Structure • Cautiousness https://www.calipercorp.com	**Problem-solving and decision-making** • Thoroughness • Idea orientation • Cautiousness • Abstract reasoning ability **Interpersonal dynamics** • Sociability • Skepticism • Gregariousness • Empathy • Ego strength • Accommodation

NEO	Revised NEO Personality Inventory (NEO PI-R), based on the five-factor theory. Its shorter version is the NEO-FFI. **Openness to experience**: inventive/curious vs. consistent/cautious **Conscientiousness**: efficient/organized vs. easy-going/careless **Extroversion**: outgoing/energetic vs. solitary/reserved **Agreeableness**: friendly/compassionate vs. cold/unkind **Neuroticism**: sensitive/nervous vs. secure/confident http://sigmatesting.com/information/neopi3.htm
Law Fit	Law Fit provides individual online assessments that result in a report designed to guide individuals into the legal practice areas and general career areas most suited to them, and to help them identify their values and motivators and their preferred work environment. http://www.lawfit.com
Sheffield Legal Assessment	This assessment is also intended to help individuals find their best fit in practice areas and environment. It assesses: **Thinking style** **Motivational style** **Working style** **Business development style** **Trait analysis** • Autonomy • Client empathy • Abstraction • Creativity • Ego drive • Ego strength • Empathy • Planning • Group problem solving • Curiosity • Listening • Decision making • Persistence • Outlook • Presence • Comfort with risk • Assuredness • Initiative • Trust • Sociability • Teamwork • Urgency http://attorneyassessment.com
Professional Services Relationship Management Survey	**Customer focus and performance** • Achieves impact • Develops team relationships • Fosters information sharing that leads to results • Develops personal relationships • Learns from others **Teamwork** • Understands others • Can take others' perspectives • Puts others at ease • Respects others **Leadership and innovation** • Challenges the situation • Inspires shared vision • Empowers others • Models effective behavior • Celebrates achievements **Trust** • Generates confidence • Engenders mutual trust • Is dependable • Is open to and with others http://www.learningbridge.com/?fuseaction=LB.library-360-degree-feedback-survey

16PF	**Abstractedness**: imaginative vs. practical **Apprehension**: insecure vs. complacent **Dominance**: aggressive vs. passive **Emotional stability**: calm and stable vs. high-strung **Liveliness**: enthusiastic vs. serious **Openness to change**: liberal vs. traditional **Perfectionism**: compulsive and controlled vs. indifferent **Privateness**: pretentious vs. unpretentious **Reasoning**: abstract vs. concrete **Rule consciousness**: moralistic vs. free-thinking **Self-reliance**: leader vs. follower **Sensitivity**: sensitive vs. tough-minded **Social boldness**: uninhibited vs. timid **Tension**: driven and tense vs. relaxed and easy-going **Vigilance**: suspicious vs. accepting **Warmth**: open and warm-hearted vs. aloof and critical http://personality-testing.info/tests/16PF.php
DiSC	Emphasis on dominance (D) Emphasis on influence (I) Emphasis on steadiness (S) Emphasis on conscientiousness (C) https://www.discprofile.com/what-is-disc/overview/
Situational Judgment Task	Employs hypothetical scenarios developed for use with lawyers to measure judgment about and reaction to difficult situations. This test is not publicly available as of the date of this article but one of the authors, Dr. Sheldon Zedeck, may be contacted about its usage at zedeck@berkeley.edu or (510) 642-7130.
Thomas-Kilmann Instrument	Measures preferences for conflict resolution strategies that involve different levels of assertiveness and cooperativeness and require differing time investments: • Competing • Collaborating • Compromising • Avoiding • Accommodating https://www.cpp.com/products/tki/index.aspx
Organizational Cultural Assessment Instrument	Measures an organization's characteristics in the areas of: • Dominant characteristics • Organizational leadership • Management of employees • Organizational glue • Strategic emphasis • Criteria of success http://www.ocai-online.com

M&A Compatibility Mapping Assessment	http://www.crenshawassociates.com/compatibility-mapping.php
Edge International Law Firm Culture Assessment	**Collegiality**: The manner in which people within a law firm interact. **Strategic focus**: The degree to which the firm projects a clear identity, both to itself and in relation to other firms. **Governance**: The manner in which the firm deals with its people, and the way that its lawyers and staff deal with the firm. **Values**: The belief systems and incentives that represent the collective aspirations of the members of the firm. http://www.edge.ai/services/people-training-coaching/legal-assessment/
Denison Organizational Culture Survey	**Employee commitment**: Measures the strength of employees' personal attachment to your organization, and their need and/or desire to remain onboard. **Organizational innovation**: Measures your organization's ability to implement creative ideas and understand how this impacts culture and the process of innovation. **Employee engagement**: Understands your culture's impact on employees' attitudes toward their jobs and the organization. **Organizational trust**: Gains insight into employee perceptions of organizational honesty, openness, integrity, and compassion. http://www.denisonconsulting.com
Multifactor Leadership Questionnaire	**Transformational leadership** • Idealized attributes • Idealized behaviors • Inspirational motivation • Intellectual stimulation • Individualized consideration **Transactional leadership** • Contingent reward • Management-by-exception (Active) **Passive/avoidant** • Management-by-exception (Passive) • Laissez-faire **Outcomes of leadership** • Extra effort • Effectiveness • Satisfaction http://www.mindgarden.com/products/mlq.htm
Executive Dimensions	**Leading the business** • Sound judgment • Strategic planning • Leading change • Results orientation • Global awareness • Business perspective **Leading others** • Inspiring commitment • Forging synergy • Developing and empowering • Leveraging differences • Communicating effectively • Interpersonal savvy **Leading by personal example** • Courage • Executive image • Learning from experience • Credibility http://www.ccl.org/leadership/assessments/executiveOverview.aspx