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A RoadMAP for Your Journey

The 2016 Mass Call to the Bar will be held this month on 26 and 27 August over three sessions in the Supreme Court. Over 520 practice trainees will be admitted to the roll of Advocates & Solicitors.

Along with the Chief Justice, the President of the Law Society has the opportunity to address the new cohort. I had the privilege of being able to do so last year in 2015, and will enjoy that same privilege this year.

The occasion of speaking to new young lawyers always gives me pause for thought. What can I say that will genuinely add value to their professional lives? Making motherhood statements is as easy as it is pointless. They are soon forgotten, even ignored, assuming that they are heard in the first place. This millennial generation is different from mine, and I cannot say that I know what drives them in the first place.

So I can only speak to what I know. How to survive as a practising lawyer in the long term. How to survive attrition in that apparent wasteland known as the “middle category”. I have the advantage of a dual perspective – a once-upon-a-time young lawyer trying to build a career and a practice, as well as an employer trying to hire, train and motivate junior lawyers. Any insights I may have are admittedly imperfect, incomplete, and possibly idiosyncratic; they are but a small contribution to a continuing conversation we need to have about how we retain our best and brightest in this honourable profession for the long haul.

An honourable profession. Maybe that’s where we got the model wrong. We used to think that all that mattered was pay, promotion and partnership, just like any other job. Certainly that used to be my framework, either as an ambitious young associate, or as an employer. I was wrong or at least old fashioned. The three “P’s” are important, but they are not decisive. Law is not just any other job.

Modern psychology tells us employees are not motivated by their compensation – that’s just a hygiene factor. Pay mustn’t be an issue in that it must be fair, and if there is a differential with their peers, then *ceteris paribus*, it cannot be too significant.

Instead, enduring motivation is thought to be driven by three elements, mastery, autonomy, and purpose. There’s some truth in this, even more so in the practice of law, where we are first and foremost, members of an honourable profession.

Mastery: The challenge and opportunity to acquire true expertise. There is a real satisfaction in being, and becoming, really good at something. Leading a cross-border deal team, or being first chair in a law making case; it feels good to earn the trust and confidence of one’s clients. However, there have to be intermediate targets along the way such that it is possible to track one’s forward momentum.

Autonomy: While supervision and training is important, most of the best and brightest minds will eventually aspire to be masters of their own destiny. In the context of the law, this would be to run their own practices or teams, manage their own clients and business development, and originate deals. The autonomy to make and take responsibility for one’s advice and decisions ultimately creates the ownership mentality that all lawyers need to cultivate to play the long game. Being the master of one’s practice also means regaining a modicum of control over one’s life.

Purpose: This can mean different things to different people. Some people are competitive and just want to be the best. Some look to do things perfectly, over and over again. Some see the practice of law as a means to the larger purpose of helping people in need, making the world a better place, or imparting skills and values to another generation of professionals. As a profession, or as partners and

Continued on page 4

Continued from page 1

employers, we need to communicate a sense of mission, whatever form that takes. Our focus must be to make our young lawyers the best professional versions of themselves they can be, not how many billable hours we can squeeze from them. Because nobody finds real purpose in being a money making machine – their suffering is on sufferance, and only for the amelioration of a pay packet. You can't motivate people for long that way.

That's just the supply side. It is for the partner, law firm or the legal community to supply the opportunities to develop mastery, autonomy or purpose. But, a young lawyer must also aspire to these.

That's where the demand side comes in. A wholehearted commitment to the craft of law is required from the new lawyer. It takes a long time to get good at something. Ten thousand hours, according to Malcolm Gladwell, author of, *inter alia*, "Outliers". And this is 10,000 hours of deliberate and purposeful practice. That's effectively about 10 years. And doing something well is immensely satisfying – it just takes a long time to get there. Which is frustrating in an age of instant gratification. This may partially explain why so many drop out of this profession before they hit 10 years. They don't give themselves a chance to become really really good. And frankly, it's more fun when you are good. You get to experience what top class athletes or musicians call "flow" or being "in the zone", where everything comes easily, you see things with absolute clarity and articulate the heart of the matter with unerring precision. I wish it happened to me more often, but it does from time to time. And those moments of "flow" are in and of themselves, deeply rewarding.

But to get good at something, to put in that 10,000 hours, is hard work. It requires a combination of commitment, determination and resilience. Furthermore, those qualities are necessary, but they are not sufficient. So what does it take?

Dr Angela Duckworth, a professor of psychology at the University of Pennsylvania called it "Grit". She also wrote a best-selling book about this, and had this observation – "Grit is passion or perseverance for very long term goals. Grit is having stamina. Grit is sticking with your future, day in and day out – not just for a day, not just for a month, but for years – to make that future a reality."

We normally associate grit with perseverance, tenacity and resilience. Some have labelled it "AQ" or adversity quotient. According to Angela Duckworth, it is that, but more. It is about passion, which is the fuel that ultimately motivates us in the long term.

Passion doesn't exist in a vacuum. We only persevere, persist, sweat blood and tears for a reason. A paycheck is a short term reason, but insufficient. It has to be tethered to a tangible purpose. What might be this purpose? That is ultimately for each of us to discover, and it may take time to develop and evolve. The practice of law, and the use of law, does lend itself to causes, projects and long term goals which should resonate emotionally with many of us.

It may be as simple as pride in one's work – wanting to become a genuine expert in your chosen area of practice, being the best professional version of yourself as possible. It may be to become senior counsel, or a Supreme Court Judge, or earning the respect of your peers for the body of work you have been involved in. It may be law to start your own practice and build a law firm. Some have noble ideas, to use their knowledge of the law to do all the good they can, for all the people they can, in all the ways they can.¹ That attitude of service, of giving back, can be expressed through a mixture of *pro bono*, "low-bono" and paid work, especially in the area of community law. Or it can be expressed by serving in professional bodies, such as the Law Society. Some have more intellectual and jurisprudential ideals – they may find fulfilment in advocating the abolition of the death penalty, the elimination of discriminatory laws, enhancing timely access to counsel in criminal cases, building greater protection for battered wives or migrant workers, designing better corporate governance, or any other number of the many legitimate legal causes that inherently exist in any system of laws.

Of course, these are long term goals. In the life of a young lawyer, managing deadlines, clients, bosses and the Courts is sometimes more than they can handle, and any long term purpose is obscured in the daily trials and tribulations of practice.

My unsolicited advice to young lawyers is, unfortunately, not a universal panacea. Set short term targets. Make sure they are realistic, and attainable. They are steps on the ladder which lead to where you want to be. Start with arguing your first contested application, take on a CLAS case as first chair, and work up to becoming first chair in a High Court trial. Draft your first transactional document from scratch, then lead the deal team. Aim to be a senior associate, then a junior partner. Bring in your first client. Bring in the next. Become a deal maker, or rain maker. Join a committee of the Law Society (or any other organisation). Chair it, stand for Council election. You acquire experience, gain credibility and build respect along the way, which brings you closer to your final destination (assuming that you have one). And always remember that the journey is always worth travelling,

Continued on page 6

Continued from page 4

and the lessons and conversations to be had along the way will be edifying.

When you have experience, when you have credibility, then everything you say, or do, is amplified. People start listening to you, you start influencing those around you, and your actions can impact one or sometimes many more. Life as a professional does not get more fulfilling than that.

It seems a long way off. You may feel that you are not as naturally gifted, or as naturally talented as your peers. The good news is that in practice, talent is often overrated. Talent alone is a great start but it is not enough. One million multiplied by zero, is still zero. Take heart. Effort counts. According to Angela Duckworth, it counts twice. She had a simple and elegant equation which made sense. First - talent combined with effort results in skill. Second - that skill must then be put to work, effort must be made to exercise that skill, over, and over, and over again. That creates achievement. But this sustained effort over the long term requires grit.

For the young lawyer, or those that are about to join us at the Bar, it is going to get tough. The first three years will be rough. Expect that. But remember, what you go through in your first three years of practice is not the rest of your life. You're a legal toddler. Imagine a baby starting to walk with a thought bubble over its head – "this walking stuff isn't so simple, a few steps and I fall on my butt, maybe it's not for me". You know how that story ends. So, find a purpose and a goal, be passionate about it, and determine the intermediate steps on how to get there. Then pursue it. Woody Allen observed: "Eighty percent of success in life is showing up". Show up. Keep showing up. Relentlessly.

My last two cents: Hang in there.

¹ Acknowledgements to Hillary Clinton and the Methodist Church