

Lawyer Effectiveness Before, During and After Law School

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OVERVIEW OF PROJECT

- Prior Research: LSAT/GPA as predictors of law school/lawyering success
- Phase I: Identify Lawyer effectiveness factors and develop evaluation scales
- Phase II: Identify other predictors to explain lawyering effectiveness
 - Determine degree to which LSAT and new predictors explain and predict 1ST Year Law School GPA & lawyering effectiveness

OVERVIEW OF PROJECT

(Cont.)



- PROCESS
 - Identify effectiveness dimensions
 - HYPOTHESIZE predictors
 - Develop/select tests
 - Administer tests
 - Collect performance measures
 - Establish test-performance statistical relationship

TODAY'S PRESENTATION

- FOCUS ON:
 - IDENTIFICATION OF WHAT DEFINES LAWYERING EFFECTIVENESS, HOW TO MEASURE THE FACTORS, AND IMPLICATIONS

PURPOSE OF PHASE I STUDY



- WHAT IS MISSING FROM RESEARCH?
 - Prediction of “EFFECTIVENESS” as a Lawyer
- Need to Identify “EFFECTIVENESS” factors for:
 - PRACTICING LAWYERS

PHASE I: Strategy: “Job” Analysis – What is Lawyering Effectiveness



- Interviews
 - Focus Groups
 - Individual
 - Generate Knowledge, Skills, & Abilities -- Dimensions/Factors
 - Generate Behavioral Anchors for Factors
- Job Analysis Questionnaire (JAQ)
 - Determine levels of behavior effectiveness

SAMPLE



- **University of California Boalt Hall law school students.**
 - **2-L and 3-L.**
 - **Random sample.**
- **Boalt Hall Faculty.**
- **Boalt Hall Alumni.**
 - **San Francisco, Los Angeles, and Washington, D.C.**
 - **2, 5, 10 and 20 years out.**
 - **Random sample.**
 - **Representative of type of “firm” and “practice.”**
- **Judges.**
- **Clients.**
- **Over 2000 participants across various phases.**
- **Multiple fields of practices and types of firms**

RESULTS OF JOB ANALYSIS: EFFECTIVENESS FACTORS



- 26 EFFECTIVENESS FACTORS
- 26 SCALES FOR EVALUATING PERFORMANCE
- OVER 700 **BEHAVIORAL EXAMPLES** OF LAWYERING PERFORMANCE
 - Different Levels of Effectiveness
 - “Excellent” to “Poor” Examples for Each Factor

CATEGORIES OF FACTORS

1. INTELLECTUAL & COGNITIVE
2. RESEARCH & INFORMATION GATHERING
3. COMMUNICATIONS
4. PLANNING AND ORGANIZING
5. CONFLICT RESOLUTION
6. CLIENT & BUSINESS RELATIONSHIPS –
ENTREPRENEURSHIP
7. WORKING WITH OTHERS
8. CHARACTER

ANALYSIS & REASONING



- Analyzes complex problems in a systematic way.
- Grasps the facts of the case or transaction.
- Selects which facts in a situation are legally significant.
- Identifies underlying or guiding principles and patterns from information.
- Selects which categories of law are relevant and puts what client says or desires into a legal framework.

ANALYSIS & REASONING

(cont.)



- Understands the law that governs a situation.
- Assesses differences of law between jurisdictions.
- Applies academic or theoretical concepts to practical situations.
- Adapts theories to facts.
- Interprets and synthesizes information to form legal strategies, approaches, lines of argument, etc.

FIGURE A: ANALYSIS & REASONING BARS (#1)

5

This attorney looks at a new problem in its larger context and from "outside" the initial question to ensure all necessary elements are included. Then he/she breaks it into smaller issues, answering each question based on statutory or regulatory law, as well as cases and precedents, either directly or by analogy, making sure he/she has and uses accurate and relevant facts, and reconciling conflicts or ambiguities within and between issues. He/she synthesizes by selecting and discarding lines of analysis while working towards answers/options for the original question. As he/she imagines what the possible answers are, he/she lays out the options, their corresponding risks, and their potential implications (tax, political, business, legal, etc.) for the client's objectives. He/she finishes by identifying the optimal solution and checking whether his/her conclusions make practical sense. (#708; 4.39)

4

This lawyer sees a case, a rule or a problem from various points of view, and makes use of those multiple perspectives in his/her understanding and analysis. (#715, 4.11)

This attorney identifies all the issues that relate to a problem, breaks them down into smaller sections, addresses each smaller section according to existing law (e.g. statutes, regulations or precedents) or by analogy to existing law, determines answers for each section, and then puts the section questions/answers into a sequence that answers the overall question. (#707, 3.69)

3

This attorney identifies the apparent legal problem(s), knows or locates the main legal rules and sources relevant to those problems, and applies the rules to the basic issues raised by the case. (#718, 3.30)

2

When this attorney analyzes a case, he/she skips little questions and responds less than fully to some of the issues. (#717, 2.05)

1

This attorney can explain the main substance of the law (e.g. Title IX) and knows that it applies but he/she is unable to explain clearly whether and why Title IX suits the particular facts of the case. (#727, 1.81)