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TALENT MANAGEMENT IN LAW FIRMS

Susana Margarida Martins de Almeida Lopes Marta da Costa

Orientadores: Prof. Doutora Maria Eduarda Carlos Castanheira Fagundes Duarte
Prof. Doutor João Pedro Martins de Almeida Lopes

Tese especialmente elaborada para obtenção do grau de Doutor em Psicologia
dos Recursos Humanos, do Trabalho e das Organizações

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2017

To the women in my family

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RESUMO

A gestão de talento tem sido referida quer na literatura quer pelos profissionais como sendo o fator diferenciador para fazer face às exigências do novo milénio. Seguindo esta tendência, as sociedades de advogados têm vindo a implementar a gestão de talento para apoiar a construção de uma organização mais bem preparada para lidar com os desafios do novo paradigma competitivo da advocacia.

Tem-se assistido à multiplicação de artigos, conferências e livros sobre gestão de talento, mas a sua definição e até o conceito de talento não estão clarificados. A maioria das sociedades de advogados adotou uma abordagem exclusiva ao talento, em linha com o modelo de carreira tradicional, o qual evidencia o papel de um pequeno grupo de advogados com mais talento; mas outras sociedades de advogados adotaram abordagens mais inclusivas, valorizando os talentos de todos os advogados para o sucesso organizacional. Não estão, contudo, disponíveis evidências que apoiem a seleção da melhor abordagem a adotar. Um paradoxo entre a importância da gestão de talento para a sustentabilidade das sociedades de advogados e a ausência de evidências que apoiem os profissionais na sua implementação pode ser evidenciado. Com o objetivo de contribuir para ultrapassar este paradoxo, esta tese pretende clarificar o conceito de talento e apoiar a construção de práticas para a identificação e gestão de talento em sociedades de advogados.

Para além da gestão de talento, a teoria da profissão jurídica enquadra o contexto da investigação. As sociedades de advogados são organizações de conhecimento que integram profissionais que detêm os meios de produção, estando

dependentes do conhecimento destes para prestarem serviços de aconselhamento aos clientes. Deste modo, o conhecimento é um dos seus mais importantes recursos, para além dos clientes e reputação. Contrariamente às organizações comerciais, as sociedades de advogados têm um modelo societário. Os sócios são simultaneamente os donos do negócio, gestores e trabalhadores. A carreira assume uma configuração ascendente e é central ao modelo de negócio, sendo definida unilateralmente pela sociedade. Os advogados iniciam o percurso como estagiários e progridem anualmente ao longo da carreira. Havendo uma restrição de sociedade a uma minoria de 10%, a maioria sai por iniciativa própria ou por aconselhamento, uma vez que não existem alternativas de carreira.

Com o objetivo de recolher evidências em sociedades de advogados, este projeto inclui quatro estudos empíricos. O primeiro consiste num estudo piloto que pretende identificar as práticas de gestão de talento em vigor. Vinte e nove sociedades de advogados europeias e de países latino-americanos responderam a cinco perguntas neste âmbito. Foi utilizada estatística descritiva para analisar a frequência das respostas. Os resultados confirmaram a importância da gestão de talento para as sociedades de advogados e o valor atribuído aos colaboradores com desempenho elevado. A ausência de consenso no que respeita ao conceito de talento foi evidenciada, bem como a falta de metodologias para a identificação de talento. Foi ainda evidenciada a existência de pouca informação acerca das preferências de carreira dos advogados. Em conjugação com a revisão de literatura, estes resultados estiveram na base da construção das hipóteses de investigação. O conceito de talento, atributos para o sucesso na carreira, o perfil dos colaboradores de desempenho elevado e dos seus pares, métodos para a

identificação de talento, e carreira são os cinco principais tópicos explorados nos três artigos que integram o projeto.

A gestão de talento foi abordada nos artigos de perspetivas diferentes e complementares: os dois primeiros artigos evidenciaram o talento como um constructo com existência substantiva e endereçaram a construção de métodos para a identificação e previsão de talento. O primeiro artigo – Uma nova abordagem à gestão de talento em sociedades de advogados: A integração da avaliação de desempenho com a avaliação de potencial – propôs e confirmou o ajustamento da nova abordagem para a identificação de talento, a qual consiste na média dos resultados da avaliação de desempenho e dos resultados de avaliação de potencial para diferenciar os advogados de acordo com níveis de talento, e para identificar os talentos de cada um de acordo com as três dimensões do perfil do advogado (competências técnicas e comportamentais, e produtividade). A amostra integrou 61 advogados seniores de uma sociedade de advogados portuguesa. Através de análise de componentes principais foi evidenciado um fator geral de desempenho, bem como dois fatores adicionais. A rotação varimax mapeou os 3 fatores de acordo com as 3 dimensões do perfil do advogado. A validade preditiva da avaliação de potencial em relação ao desempenho foi confirmada através da correlação de pearson. A comparação entre os resultados da avaliação de potencial e da avaliação de desempenho foi feita através do teste-t para amostras emparelhadas e pela estimativa de densidade de kernel.

O segundo artigo – O talento tem estabilidade suficiente para ser previsto? Um estudo longitudinal com avaliações de desempenho de advogados – sugeriu e confirmou a estabilidade nos níveis de desempenho ao longo do tempo. A análise de 8 anos de avaliações foi feita seguindo um plano longitudinal com uma amostra de 140

advogados de uma sociedade de advogados portuguesa. A análise de componentes principais evidenciou a existência substantiva do talento e análises estatísticas adicionais confirmaram a estabilidade dos níveis de desempenho, em particular dos advogados seniores, e com mais tempo de permanência na organização. Foi ainda desenvolvida uma rede neural para modelar e simular os níveis de desempenho ao longo do tempo, possibilitando a previsão dos níveis de talento.

Por fim, o terceiro artigo – Os colaboradores com desempenho elevado não são super-heróis: A integração das abordagens exclusiva e inclusiva na gestão de talento para a sustentabilidade das sociedades de advogados –, analisou os atributos necessários para o sucesso na carreira em sociedades de advogados, comparando-os com os perfis dos colaboradores de desempenho elevado e dos seus pares. Um conjunto alargado de competências foi identificado como necessário para o sucesso na carreira. Os pontos fortes dos colaboradores de desempenho elevado residiram sobretudo nas competências técnicas, tendo assim sido desmistificados como super-heróis. Os seus pares também criam valor, através de um maior foco na qualidade e de abordagens mais adaptáveis e relacionais. Integraram este estudo 358 participantes de 12 sociedades de advogados de 12 países. A avaliação da importância das competências e aptidões para o sucesso na carreira foi feita através de estatística descritiva, e a identificação dos atributos que diferenciam os colaboradores de desempenho elevado dos seus pares foi feita através de testes-t para amostras independentes. A análise da regressão verificou que o melhor preditor de desempenho é a competência inovação.

Integrando as evidências dos estudos, neste projeto é proposta uma definição e um modelo para a gestão de talento em sociedades de advogados, que integram as abordagens exclusive e inclusiva: **A gestão de talento em sociedades de**

advogados consiste na identificação e gestão de um portfólio diversificado de talento, que inclui os colaboradores com mais talento e os talentos de todos os colaboradores, de modo a assegurar a resposta rápida da organização ao contexto e a sustentabilidade.

Para alcançar este resultado é proposto às sociedades de advogados que definam um modelo de competências de acordo com a estratégia organizacional. As partes interessadas na profissão jurídica como as universidades, a Ordem dos Advogados e os clientes devem ser incentivadas a contribuir. É proposto que a inovação integre o modelo de competências.

Durante a fase de maior aprendizagem na carreira é sugerido manter a avaliação de desempenho para a diferenciação de níveis de talento. A identificação dos colaboradores com mais talento na função jurídica, tal como a identificação dos talentos de cada advogado pode ser feita através da nova abordagem à identificação de talento.

A utilização da rede neural é proposta a partir do nível de senioridade intermédio, a partir do qual os níveis de estabilidade de desempenho são maiores. A previsão de talento pode evitar as redundâncias do processo anual de avaliação de desempenho. O tempo pode ser reinvestido no planeamento de carreiras e feedback. Os questionários de personalidade e testes de aptidões podem contribuir com informação adicional para este propósito, de modo a envolver os advogados na gestão da própria carreira.

O modelo proposto neste projeto não impõe uma revisão do modelo de negócio das sociedades de advogados. Trata-se de um modelo de negócio bem-sucedido, de prestígio e atrativo para os advogados. A gestão de talento deve apoiar o modelo de negócio através da criação de valor para a organização e para os

colaboradores. Com o modelo proposto as sociedades de advogados podem beneficiar de um mapeamento previsional de talento que assegure uma resposta rápida ao contexto, e os advogados podem beneficiar de uma abordagem mais individualizada aos seus talentos e carreiras: é proposta a definição de perfis de competências que conduzam a carreiras diferentes, de acordo com os perfis individuais. A incorporação de outros profissionais, para além de advogados, no portfólio de talento das sociedades de advogados é também sugerida.

A gestão da própria carreira pelos advogados e outros profissionais pode estar na base da implementação bem-sucedida da gestão de talento em sociedades de advogados. Os psicólogos organizacionais podem contribuir para esta implementação.

Palavras-chave: Gestão de talento; carreira; colaboradores com desempenho elevado; sociedade de advogados; avaliação

ABSTRACT

Talent management has been addressed both in the literature and by practitioners as the differentiator for meeting the new-millennium requests. Following this trend, law firms have been implementing talent management for supporting the building of a workforce ready to deal with fast-changing markets. Since the new-millennium, law firms have been immersed in a cut-throat competitive environment. The rules of lawyering have been altered. The lawyers' job profile have broadened from legal skills towards business development and managerial skills that do not fit their profiles.

Articles, seminars and books have widely spread, unveiling the importance of managing talent in law firms, but the definition of talent management and even the talent concept remain unclear. The majority of firms have adopted the exclusive approach to talent, fitting in the traditional up-or-out career model, that prioritizes the role of a small group of more talented lawyers for the firms' success; but other firms have engaged in more inclusive approaches that value the talents of all lawyers. Empirical evidences for assistant such an option are not available. A gap may be found between the recognized importance of talent management for law firms' sustainability and the lack of empirical evidences for supporting practitioners. Aiming at contributing for filling the identified gap, this thesis proposes to clarify the talent concept and to support the building of practices for the identification and management of talent in law firms.

Alongside with talent management, legal profession theory frames the research setting. The role of lawyering in law firms is addressed in this thesis. Law firms are knowledge intensive organizations composed by knowledge workers who own the means of production. Knowledge is found among law firms' most important assets, besides client and reputation. Law firms rely on lawyers' knowledge to provide advisory services to clients. Differently from commercial organizations, law firms have a partnership model. Partners are the owners, managers and producers, which impacts the career features. Career is core to the business model. The career path, defined only by the firm and followed by the lawyers, configures a climber type. Most lawyers join the firm as intern aiming to climb the career ladder towards a partnership that is restricted to a 10% minority. The majority of lawyers leave the firm by own initiative or are counselled out, because different career configurations are not available.

For gathering evidences from law firms, this project includes four empirical studies. The first one consists of a pilot study aiming at undercover talent management state of the art in law firms. Five questions were answered by 29 European and Latin American countries. Descriptive statistics were used to analyse the responses. Results confirmed the importance of talent management for law firms and the value indorsed to high performers. The lack of consensus regarding the talent concept emerged in the answers as well as the lack of talent identification methods. Scarce information regarding lawyers' career preferences emerged too. This information in conjugation with the literature review provided the basis for establishing the research questions. The talent concept, skills for career success, high performers and peers' profiles, talent identification methods, and career in law firms, are the five main topics explored in the three papers comprised in the project.

Talent management was addressed from different and complementary perspectives in the papers: the first and second papers evidenced talent as a construct with substantive existence and addressed the building of methods for talent identification and prediction.

The first one – A new approach to talent management in law firms: Integrating performance appraisal and assessment center data – proposed and confirmed the adjustment of a new approach to talent identification that consists of averaging performance appraisal and assessment center ratings for differentiation of lawyers according to overall talent, and in-depth identification of lawyers' talents, according to the three broad dimensions of lawyers' profile (hard skills, soft skills and productivity). Sixty-one senior lawyers from a Portuguese law firm were comprised in the sample. Evidence of both a general performance factor and two additional factors were verified using principal component analysis, and varimax rotation verified the three broad factors with job profile's three broad areas. Predictive validity of assessment centers in relation to performance appraisal was verified with pearson correlation. Comparisons between assessment center and performance appraisal ratings were analysed using paired-sample t-tests and a kernel density function.

The second paper – Is talent stable enough to be predicted? A longitudinal study of lawyers' appraisals – suggested and confirmed the stability of performance rankings over time. A longitudinal design was applied for examining 8 years of appraisal ratings in a sample of 140 lawyers from a Portuguese law firm. Principal component analysis revealed the substantive existence of talent and statistical analysis confirmed stability of performance rankings, in particular among senior, and more

tenured lawyers. A recursive feedforward neural network was developed to model and simulate performance rankings over time, thus enabling talent prediction.

At last, the third paper – High performers are not superheroes: Bridging exclusive and inclusive talent management approaches for law firm sustainability –, examined the attributes required for lawyers' career success in law firms in relation with the high performers and peers' profiles. A broad array of competencies for a lawyer's career success was revealed to be necessary, whereas high performers have a narrow focus on legal skills, being demystified as superheroes. Their peers add value too by focusing on quality, and having more adaptable mindsets and more relational approaches. In this study 358 participants from 12 law firms of 12 countries were enrolled. Descriptive statistics were used to examine the importance of competencies and abilities for career success and independent sample t-tests assessed the attributes that distinguished high performers from peers. Hierarchical regression verified that innovation is the best predictor of high performance in law firms.

A definition and a framework for talent management that bridges the exclusive with the inclusive approaches are proposed taking in the findings of the project: **Talent management in law firms consists of the identification and management of a diverse pool of talent, integrating the most talented individuals and the talents of the workforce, thus contributing for business readiness and sustainability.**

For achieving such result it is proposed to define the firm competency framework according to the business setting. Stakeholders of law firms such as universities, the Bar and clients should be welcomed to provide inputs. Innovation is proposed to incorporate the framework. Performance rankings during the junior level is

upheld. Identification of the most talented for the lawyering role as well as the identification of each lawyers' talents is proposed by averaging appraisal ratings with assessment center ratings.

The use of the neural networks is proposed from the middle professional level onwards, when performance rankings are more stable. Talent prediction may prevent the redundant process of appraising lawyers every year against the same profile for ranking purposes. Time spared in the process may be reinvested in career planning and feedback. Personality questionnaires and ability tests may provide additional information for promoting awareness, which is critical to engage lawyers in career self-management.

The proposed framework does not impose a law firm's business model revision. Law firms have a successful model that encompasses allure and prestige. Talent management must support the business model by incorporating added value both for the firms and lawyers. By using the proposed framework law firms may benefit from mapping and forecasting the talent need for business readiness, while lawyers may benefit from a more individualized approach to their talents and careers: different job profiles that lead to different career paths is upheld, according to each one's profile. The integration of other professionals beyond lawyers in the firms' talent pool is also suggested. Career self-management may be the trigger for successful implementation of talent management in law firms. Organizational psychologists may contribute for this implementation.

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Introduction

Talent Management (TM) is the 21st century buzzword in organizations. Talent is being claimed to be the differentiator for thriving fast-changing markets in disparate industries. For the legal industry and law firms TM's value was not unleashed until recently. Law firms' meetings specially arranged for addressing TM, during the second decade of the new-millennium illustrate the new trend.

Club Abogados, an association of 35 law firm[1] from 19 Latin American[2] and 16 European countries[3], joined in Zurich for their annual meeting in May 2013. This is an annual retrieve where experiences and information regarding practices, markets, clients, and firms' challenges related with managerial and organizational procedures are exchanged among firms' partners. For the first time since Club's foundation in 1966, TM was elected as the major topic for discussion. Two years later, in May 2015, it was Amsterdam Club, an equivalent law firms'[1] association of 10 European countries[4], turn to reflect during the annual meeting in Lisbon about the strategic importance of TM. Discussions during the retrieves were fuelled by a pilot study on firms' TM practices, taking in the results of a questionnaire (presented in Chapter 2).

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[1] Each country is represented in Club Abogados and in Amsterdam Club by just one law firm.
[2] Latin American countries (Club Abogados): Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay Peru, Puerto Rico, Uruguay, Venezuela.
[3] European countries (Club Abogados): Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Switzerland, Spain, Sweden.
[4] European countries (Amsterdam Club): Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Portugal, Spain, Sweden.

The choice of this topic for discussion is consistent with TM's importance for twenty-first century firms. Articles, seminars and books have widely spread, unveiling the importance of managing talent for firms' competitiveness and for thriving first millennium decade's recession. TM has spread among firms as the holy-grail for thriving the economic juncture challenges. Attracting, developing and retaining the most talented lawyers is being addressed as a priority by law firms (Ashton & Morton, 2005; Harrison, 2012; Mottershead, 2010; Normand-Hochman, 2013; Poynton, 2010).

Nonetheless, at the time this thesis was developed, TM was characterized by a lack of practices for the building of an autonomous field, and even by a lack of clarity in what concerns the concept of talent. Intended research for specific contexts and professions was a mirage (e.g. Gallardo-Gallardo, Dries & González-Cruz, 2013). A gap may be found between the recognized importance of TM for law firms sustainability and the lack of empirical evidences for supporting practitioners. This gap is also a reality in other industries, even in those which have pioneered TM, such as Telecommunications, Pharma, Banking and Finance, and Consultancy. However, the lack of research is bigger in the legal profession. To our knowledge, any of the empirical academic studies have addressed TM at law firms in a comprehensive way. The scarce scholar literature relative to human resource (HR) in law firms has been focusing mainly on themes related to the motivation of young lawyers for the legal profession (e.g. Forstenlechner & Lettice, 2008) and has been exploring careers from the perspective of diversity, i.e. gender, social status and ethnicity (e.g. Chan, 2014; Omari & Paull, 2013). A restricted number of studies have addressed themes that may be linked to TM, for instance competencies for promotion to partner (Hamilton, 2013a; Stumpf, 2007a, 2009) and the importance of coaching for career success (Higgins &

Thomas, 2001). There are studies on lawyers' profile, concerning the identification of the most successful lawyers' profile (Richard, 1993, 2010; Richard & Rohrer, 2011) that are directly linked to the TM discussion. However, methodological pitfalls related to the identification of the most successful lawyers (the ones who had weathered the recession years) have prevented the identification of the attributes that underlie high performance at law firms, which is still lacking.

This work on TM in the context of the legal profession intends to fill the identified gap by contributing for the clarification of the talent concept and the building of practices for the identification and management of talent. In particular, the project will focus on the understanding of TM practices prevailing in law firms; on the development of methodologies for the identification of talent; on the identification of the attributes required for career success linked with the attributes that distinguish the most talented lawyers; on the examination and prediction of talent over time; and on the linkage between talent and career.

The first two chapters of this thesis provide the setting of TM and legal profession theories. The first chapter provides an incursion in the context of TM in the legal profession. To frame the legal profession setting, a definition of law firm is presented. A description of the law firm context and their impact on economy are provided, as well as the law firms' evolution and their governance model linked with the career model. The second chapter presents TM state of the art, the research questions and the project framework. It starts by exploring law firms' challenges that gave rise to TM, the talent concept and disparate TM approaches. The pilot study on TM that gathered information from twenty-nine firms (from Club Abogados and Club Amsterdam) is included and linked with the main issues in TM at law firms. Results of

the questionnaire, in addition to the literature review, supported the building of the thesis research questions, to be developed in the project. A comprehensive research framework closes the chapter.

Aiming at contributing to empirical support of TM, an option for a thesis structure including empirical papers was made, allowing for collecting a large pool of data and the enrolment of plural participants from the lawyering context: both lawyers and stakeholders of the lawyering role in law firms, in several countries. Three studies in an academic paper layout are presented consecutively from Chapters 3 to 5. Paper 1, presented in Chapter 3, is entitled "Talent management at law firms: Integrating performance appraisal and assessment centers data"; paper 2, presented in Chapter 4, is entitled "Is talent stable enough to be predicted? A longitudinal study of lawyers' appraisals", and paper 3, presented in Chapter 5, is entitled "High performers are not superheroes: Bridging exclusive and inclusive talent management approaches for law firm sustainability".

These three empirical studies address TM in law firms from different and complementary perspectives, in particular, talent identification and career topics, ranging from a new approach for talent identification through the integration of appraisal and assessment center ratings (paper 1); to a longitudinal examination of performance rankings' stability over time for proposing a method for talent prediction (paper 2); to finally address the identification of the attributes for lawyers' career success and the relation with high performers and peers' profiles (paper 3).

After the empirical studies, two chapters are comprised. Chapter 6 presents conclusions through an integrated overview of the studies' findings, where research questions are answered. Project strengths, limitations and avenues for future research

close the chapter. A final seventh chapter ends the thesis, by proposing a TM

framework for law firms supported by the evidences gathered in the project. Practical

implications are discussed.

Chapter 1

Incursions in the Context of Talent Management in the Legal Profession

1.1. Law Firm Definition

Law firms are knowledge intensive organizations composed by highly-educated and highly-skilled workers who share a code of professional ethics and a codified body of knowledge, obtained through graduation and training for professional certification and licensing (Stumpf, 2007b; von Nordenflycht, 2010). Drucker (1959) highlighted the knowledge workers singularity of owning the means of production. As other professional service firms, such as architecture, design, advertising, strategy, management and audit consultancy, public accountancy, and investment banking, law firms deliver advisory services to their clients, relying on the knowledge of their professionalized workforce. Thus, professionals' knowledge is found among firms' most important assets, besides client and reputation (Empson, 2007).

Differently from commercial organizations, which follow a specialization by function brought to light by the corporate model emerged in the 19th century with the industrial revolution, law firms are organized by practice areas of expertise (Stumpf, Doh & Clark, 2002). Although there is some resemblance to the large accounting firms, Galanter and Palay (1990, 1994) claim that law firms' structure is less bureaucratic and more decentralized than other business services. Firms lack the authority structures of large corporations, being run in a collegiality style, aiming to promote team working and cross selling (Nelson, 1981).

Teams of professionals of different levels of seniority and several areas of expertise are frequently assembled for delivering interdisciplinary and complex work to clients, working upon a project-oriented way, often involving the client as part of the team (Maister, 1997). Law firms deal with high complex legal issues and have the most important corporations as clients. Firms establish the profession standards (e.g. Galanter & Palay, 1990, 1994; Schiltz, 1999), being the most sophisticated place for the practice of law. Proximity to clients during projects allows for in-depth relationships, as well as for unfolding additional working opportunities, many times concerning other practice areas, setting the basis for firms' cross selling. Projects and work done in law firms are designated as engagements, deals or cases (Stumpf, 2007a).

Two additional features differentiate law firms from commercial organizations. The first one is the non-separation of managerial and producing roles, and the second is the non-separation of managerial role and ownership (Gabarro, 2007; von Nordenflycht, 2010). These features are expressed in the partnership model that is elected worldwide as the governance model to adopt by law firms (Gabarro, 2007). In the partnership some of the firm lawyers are partners, sharing ownership, profits and, even, liabilities. Considering a pyramid image that normally represents firms' structure (see Figure 1), partners who are the owners, are at the top, which represents maximal status, power and income for the minority integrating the partnership. In the middle of the pyramid there are layers of lawyers (the associates) grouped by seniority (designated cohorts) who compete against each other to climb up the pyramid in order to become partners. At the bottom of the pyramid a large group of junior associates and trainees may be found. They are usually recruited from prestigious universities and will learn the profession after integrating the law firms. These firms are considered the top destination

for students, who value the high status and the attractive career path toward partnership (Castan & Paterson, 2010; Thornton, 2012).

Law firms' owners, aka partners, play the management role, planning, directing and coordinating teams and the firm, although maintaining a productive role. They are, in fact, the ones who are the most expert and most expensive workers that advise clients.
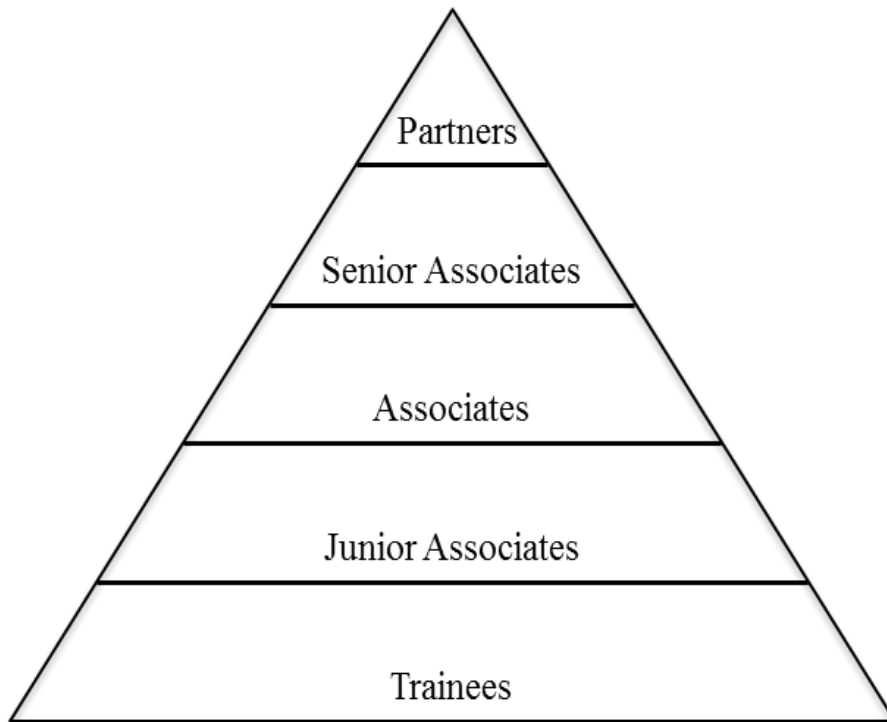
Figure 1. Pyramid Representing a Traditional Law Firms' Structure.

Nelson (1981) described the finder (or entrepreneurial), the minder (or managerial) and the grinder (or working) roles played by lawyers in law firms: all lawyers in the firm, from trainees to partners are expected to play the grinder role, working long hours and billing them to clients. In brief, until today, the ideal lawyer works long hours (Campbell, Charlesworth & Malone, 2012). The minder role is played by senior lawyers, in particular by the partners, who manage client relationship and the

team. Among the most successful and impactful partners, are found those who, in addition to the grinder and minder roles, play successfully the finder role, developing own business and also contributing for the firm strategic direction and governance. Authority comes from personal success as a lawyer and as a finder (Nelson, 1981) or rainmaker, an adjective applied in the industry to express client and deals pitching and consequently, income.

The lawyering role is key in law firms and lawyers are the core professionals, in particular the ones in the partnership track. Several professionals work as clerical staff or in business services departments, such as marketing, HR, IT, finance, particularly in medium to large law firms, supporting firm producers. In larger law firms they can count up to 50% of the entire workforce. However, no matter their specialization level and background, they are considered non-core professionals (Galanter & Palay, 1990, 1994), commonly called the non-lawyers in the industry and legal press. For instance, they are not represented in the firm's pyramid. When firms struggle for improving profitability they may find themselves laid-off, being their jobs re-located into less expensive geographies (Kinder, 2016).

The Legal Services Act 2007 reformed the way in which legal services are regulated in England and Wales. The Act has allowed lawyers to form partnerships with non-lawyers in the form of alternative business structures. In a nutshell, it has allowed non-lawyers to become partners. However, the impact on the traditional partnership structure has been reported as very limited, and is still considered as "the optimal legal form of governance for professionals" (Empson, 2007, p. 11). The partnership promotes mutual and self-scrutiny among professionals, which is well suited for addressing both ethical and regulatory constraints when addressing client interest. Lawyers, as

knowledge professionals, are subjected to regulatory constraints by the Bar regulation, in particular on what concerns the focus on client interest priority above shareholders or different stakeholders interest (Greenwood, 2003; Stumpf, 2007a).

1.2. Law Firms Impact on Economy

According to NACE[5] and NAICS[6] data referring to 2012, legal services generate 0.7% of gross domestic product (GDP) in Union European Countries (0.4% in Portugal), and generate 1.3% of US GDP. The number of people employed in the legal sector is equally high, respectively 1.436.800 in the UE (30.538 in Portugal) and 1.059.395 in US, according to Eurostat[7] data. Recent data revealed that the legal services contribution for the UK economy is 23 billion pounds annually and employs 370,000 people (The Law Society, 2016). In the City (London) there were 550 law firms in 2015, employing 25,800 people (The Law Society, 2015).

The most common fee arrangement in law firms are billable hours. Timesheets are used for charging clients for time spent on cases in small time intervals, values per hour ranging according to each lawyer seniority. In these firms, the number of annual hours required from each lawyer is typically high (on average 2,000), as well as the hourly rate (ranging from $150 to $1500, according to the firm profile and lawyer seniority) (Campbell et al., 2012). In consequence, profit per partner, a measure of firms' financial success may mount to $ 6 million, a record established by Wachtell, Lipton, Rosen and Katz in 2015 (The American Lawyer, 2015).

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[5] NACE: Statistical classification of economic activities in the European Community
[6] NAICS: North American Industry Classification System
[7] Eurostat: European Statistics from European Commission

Nowadays, there are large law firms spread all over the world, some of them international firms, that have experienced an exponential growth in the last twenty years through the merger of England, German, French and Dutch firms (Gabarro, 2007) to account for the increasing globalized business context.

The top ten succeed firms in what concerns revenue are headquartered in US and/or UK: Baker & McKenzie (US), DLA Piper (UK, US), Latham & Watkins (US), Skadden, Arps, Slate, Meagher & Flom (US), Clifford Chance (UK), Kirkland & Ellis (US), Linklaters (UK), Allen & Overy (UK), Freshfields Bruckhaus Deringer (UK), Norton Rose Fulbright (UK). Revenues in 2013 ranged Baker & McKenzie from $2.540.000.000 to Norton Rose Fulbright $1.900.000.000 (Smith, 2014).

Among these top ten firms, there are four of the five UK-headquartered highest profile law firms, constituting the 'Magic Circle', may be found, namely Allen & Overy, Clifford Chance, Freshfields, Linklaters and Slaughter & May, with more than two hundred partners each. These firms, known as the most prestigious and elite law firms, are considered the role model for both global and local firms (Hickman, 2004; Mottershead, 2010) not only in what relates to the practice of law, but also governance model, managerial and organizational procedures.

Legal press developed in the 1980s such as The Lawyer (1987) and Legal Business (1988), as well as annual ranking directories like The Legal 500 (1988) and Chambers (1990) have been promoting comparison among firms (Martin, 2014). It is a common practice for law firm leaders to benchmark revenue, deals, clients' feedback and managerial standards, to compete against each other on several rankings, motivated by concern with firms and individuals' reputation and profile. Mottershead (2010) highlighted that when implementing business plans or organizational practices, firms

are much more concerned to keeping up with the reference firms than to creating own distinctive practices for meeting internal and external stakeholders' needs and expectations. The above mentioned pattern ends up contributing to equivalent organizational practices, including HR practices, in disparate locations and size.

Impacts of legal services in the economy, including employment, are so significant, and the organizational model is so different from commercial organizations, that have impelled research on the sector. Legal profession theory is being developed, in an attempt to unleash the factors involved in the creation and growth of law firms, and also the specificities of the business model, as well as the attributes of most successful professionals. More recent research trends are addressing the anticipation of the future of the legal profession, for instance, the reshape of the workplace, the type of work required from lawyers, the use of technology and artificial intelligence and law school curricula for addressing changes.

1.3. Law Firms Evolution

The twentieth century gave rise to the modern law firm and to the entrance of non-elite, women and minorities into the profession and firms (Chamberlain, 1988; Ely, 1994; Morrison & Von Glinow, 1990). In the beginning of the century, firms with one to three white male partners from the social elite were the norm, advising neighbouring clients. The 1950s marked London's law firms transformation into the modern model, following 20 years later the development started by American law firms in the 1930s, which pioneered today's law firms partnership model (Galanter & Palay, 1990, 1994) built around a hierarchical pyramid of partners, associates and trainees. Increased demand, associated with a well-prepared lawyering workforce, provided the

basis for a fast growth. The era of small number of partners from the same social elite

families, where sons followed fathers into the profession and into the firm, were

vanishing by the end of the 1970s. The latter part of the century became the golden era

of firms, powered by economic growth that propelled demand, globalization and

technology advancement, standardization and reduced costs that enabled an increasing

on margins (Pinnington, 2013). Years of development followed the Second World War,

and a particular intense expansion occurred from the mid-1990s to the end of the

century (Galanter & Roberts, 2008). Law firms were among the companies which

experienced faster growth rates in the two last decades of the 20th century (Sander &

Williams, 1992). And even in the beginning of the new millennium very few companies

were willing to grow at the pace of some law firms to the exception of technological

firms or new services.

Legal professional theory explores foundation for the fast growth and

business model success of law firms. There are theories that point out to internal drivers

of growth and others that point out to market as the external driver. Arguments from

both perspectives are found to be relevant and reasons for law firms' fast growth and

business success model are, in that sense, plural.

Nelson (1983), and Gilson and Mnookin (1989) argue that it is easy for law

firms to reach an economy of scale at a modest size (Sander & Williams, 1992). Gilson

and Mnookin (1989) in their portfolio theory have emphasized knowledge

diversification as providing the basis for firms' success. This theory values human

capital, defined by the authors as the knowledge gathered by lawyers across time, as an

internal driver of growth. According to this theory, the skills of valuable lawyers

enabled them to produce more income than others. A different perspective, but also

highlighting human capital and pointing out to internal drivers, is provided by Galanter and Palay. According to their tournament theory, the internal driving force generated by the tournament of lawyers explains the business model success (Galanter & Palay, 1990, 1994, 1999). The surplus of a lawyer human capital, i.e. cognitive ability, skills, education, legal education, legal experience, professional reputation, relationship with clients, provides the basis for starting their own team. A cascade of teams propelled the growing size of the firms.

Supported by teams, partners could accept more work and still control quality, as well as maintaining the relation with clients. Galanter and Palay have drawn on the economic tournament model by James Malcomson (1984) that provided the basis for a career model set upon climbing a career rung when a position becomes available. On his turn, Malcomson (1984) has built upon the work of Lorne Carmichael (1983) who has proposed that firms should define each year fixed percentages of lawyers for promotion.

The tournament of lawyers relies on the regular recruitment of the 'best of the best' trainees from elite law schools for a traineeship period followed by meritocratic promotion upward movement related to competencies, long hours work and personal self-sacrifice (Galanter & Roberts, 2008) during a probative period of seven to ten years, at the end of which, lawyers are promoted to partners or are counselled out. The tournament that is also known as up-or-out system was introduced by the Wall Street firm Cravath, followed by Swaine & Moore in the mid-nineteen century. After Second World War the model spread into many countries, starting the UK in the first place and a few decades later other countries in Europe and Australia (Galanter & Henderson, 2008). Lawyers in the same cohort are annually ranked on the basis of their

performance. The highest performers climb a career rung and are rewarded with bonuses and higher wages, where low performers are nudged out, being replaced by a new wage of trainees from elite law schools. A final appraisal is made for selection of partners. A prescribed retirement age for partners improves the tournament model efficiency by opening opportunities for lawyers at the partnership gate (Pinnington, 2013). The non-selected for partnership is the large majority, who is invited to leave the firm. However, some career option are available: some lawyers are placed as in-house lawyers in firm's clients (Forstenlechner & Lettice, 2008), others may leave for smaller law firms or begin their own office, whilst others change professions, sometimes embracing business support roles in the firm.

The promotion-to-partnership tournament, albeit the selection of a 10% small minority into the partnership, is appealing to high qualified young lawyers recruited in elite law schools who can aim to achieve high status and higher wages than peers throughout the career, and in particular at senior professional levels. High wages in law firms were triggered by salary hikes in Silicon Valley and spread worldwide (Boon, Duff & Shiner, 2001) supported by annual increases in the hourly rate (Pinnington, 2013), allowing firms a continuous financial growth, essential for tournament success.

Sander and Williams (1992) revealed that growth cannot be related exclusively with the internal driving forces. They have verified that growth was not universal neither fixed, i.e. there was not a geometric growth pattern in what concern the percentage of lawyers in the tournament, as referred by Galanter and Palay's tournament theory (1990). Arguments included Galanter and Palay's (1990, 1994) work with biased samples of big firms that have grown exponentially, not incorporated firms

that did not succeed and/or that have disappeared or have kept the same size. In addition, lateral hiring was not integrated into their model. And more important, the influence of job market external driving force was ignored into their model (Kordana, 1995).

According to the production imperative model, more demand for legal services has preceded firms' growth, supported than by the tournament model (Kordana, 1995). According to this perspective, law firms' growth was supported by the tournament model only for keeping up with the clients' growth and for the diversification of the type of work provided (Nelson, 1981). Supporting the priority of external market driving forces over the above mentioned internal driving forces, is the type and complexity of the work undertaken that is of major influence for the firm's ratio of associates to partners, within the firm and in each practice area. The leverage ratio is the ratio of associates to partners, and the driver for the establishment of the ratio is external (Kordana, 1995). The higher the ratio, the higher is the hypothesis of bigger profit per partner (Gilson & Mnookin, 1989).

1.4. Career at Law Firms

Albeit arguments found in the literature towards the death of career (e.g. Arnold & Cohen, 2008; Collin & Watts, 1996), at law firms we can argue for a very alive, and even traditional career. With roots in the tournament model, career is core to law firm business model, being directly linked with firms' growth and success, as introduced in the last section.

Acknowledgement of the tournament or up-or-out career model is particularly common among the larger and more elitist firms (Morris & Pinnington,

1998; Sherer & Lee, 2002) as a sign of firm's quality, meritocratic policies, status and excellence (Wilkins & Gulati, 1998). Although not formally acknowledging it, the majority of firms have introduced a more or less stringiest approach to the up-or-out (Baden-Fuller & Bateson, 1990; Chamberlain, 1988; Ely, 1994; Higgins & Thomas, 2001; Morrison & Von Glinow, 1990).

Therefore, the core concept of the 20th century career theories, which consists of a linear career ladder with a fixed sequence of stages is still widely applicable to law firms in the 21st century, where admission for an internship is still envisaged as a gate for a lifetime career conducting to partnership. The majority of medium to big law firms invest in recruiting trainees directly from elite law schools, with no previous working experience (Nelson, 1983), who consider firms as the place to be for developing their human capital at a faster pace (Kordana, 1995; Rosenbaum,1984). In fact, human capital is often referred in the literature as a predictor of career success (e.g. Judge, Cable, Boudreau & Bretz, 1995; Wayne, Liden, Kraimer & Graf, 1999).

Career success is defined in the literature as the gathered of positive benefits and psychological outcomes resulting from engagement in work (e.g. Seibert & Kraimer, 2001). This twofold career success approach includes the objective reward elements controlled by organizations such as salary increases, promotions, bonuses and benefits; as well as the subjective perception of success and career satisfaction (see Ng, Eby, Sorensen & Feldman, 2005). Previous research has verified that objective and subjective career success are positively correlated (Judge et al., 1995).

In law firms, however, career success is mainly tied to objective reward elements. Lawyers' career success relates with thriving peers and accessing the highest

status and wages. Career is consensually conceptualized as becoming partner, addressing the main goal for the majority of professionals (Stumpf, 2007a). The most talented are identified in the industry as the ones who will make partner in the future (Brittain, 2005). The partner level is the highest role in the firm, expressing the highest reward, status and power, recognized both in the firm and externally (Schein & van Maanen, 1977). In what concerns career, status and reward, lawyers in the partnership track and partners can be identified as the 'winners-take it-all' by Frank and Cook's (1995) model.

Nonetheless law firm career success consensual definition, is paradoxical as it applies to only a 10% minority, i.e. the percentage of lawyers who have prospect of joining the partnership. Albeit being exciting and appealing for the young lawyers, career at law firms is also daunting, in particular in what relates to stability. In fact, the second feature of careers in the last century, job security, has never applied to the law firm career model. The tournament model is based on annual lawyers' ranking for selection purposes. Cohorts of lawyers, composed by lawyers who advance up the career ladder at the same peace, in most cases earning equivalent compensation packages are ranked each year (Malhotra, Morris & Smets, 2010). The highest ranked advance a career rung while others are invited to leave, reflecting a typical turnover of about 20% (Manch, 2010). This means that all lawyers who will note become partners will, sooner or later in their careers, leave the firm, making room for the firm to accommodate a new cohort of highly motivated, productive, younger and less expensive lawyers. Stumpf (2007a) reported that the majority of new comers will leave the firm within 5 years. Thus, stability, as it was conceived for the majority of professions in the 20th century was never part of big firms' value proposition as employer.

The combination of a linear career path and non-security underlying a career of high-skilled professionals with an analytical profile, who value autonomy (see Richard, 2010; Richard & Rohrer, 2011), should stimulate the participation of each lawyer in career self-management. Lawyers should continuously examine their own motivation and performance both for engaging in development activities, as well as for balancing the effort for climbing the career ladder with the possible outcomes. Self-promotion outside the firm may be necessary, in order to find alternative placement if they are let go (Stumpf, 2002). However, the participation of each lawyer in career self-management is very narrow, being careers managed, in most cases, only by the firm. Little intervention is taken by the lawyers in relation to career self-management. Even expertise specialization choices are made, most entirely, at the firm's convenience (Nelson, 1983).

The career path is defined only by the firm and followed by the lawyers, the 'herding cats', as the phenomenon is known in the industry (Pinnington, 2011). Lawyers working in law firms are groomed to address career in a progressive steps upward, labelled by Sturges (1999) as a climber career type. Lawyers' careers are mostly determined by partner-rated performance, rather than a result of career self-management. A long-term career plan, different from the partnership within the firm where they have begun as interns, or in a different one, is not a reality for the majority of lawyers.

Arguments in favour of lawyers' career fitting into the concept of boundaryless career described by Arthur and Rousseau (1996) can be found in the legal profession literature (e.g. Pinnington, 2011). Protean careers (see Hall, 1996, 2002) could also be expected among knowledge workers. Contrasting to a traditional career

that unfolds in one organization, boundaryless and protean careers are built across firms and roles. Protean careers are, in particular, driven by a subjective career success motivation, being mostly underlined by self-directed, personal values-driven and individual accountability (Hall, 1996, 2002; Hall & Moss, 1998).

Work-life balance in law firms is being addressed both in the legal press and the legal profession literature. Media has been stretching lawyers' appreciation of time for family and social activities, and their preference for a career type that could be linked with boundaryless or even protean career types. This is being linked with the entrance of women in the profession and with the new-millennium generation, defined as the generation born after 1980. Allegedly, they are more sensitive to work-life balance and are not willing to over prioritize work in relation to other life themes (e.g. Coffee, 2006). However, recent evidences from empirical studies comprising law school graduates, in particular Henderson and Zaring's (2007) work, revealed that the profession is still the most relevant theme in their lives. Compensation, status and career success are found among the top preferences of the new generation in elite law schools. These future lawyers want to thrive in a high-complex and sophisticated environment.

Working long hours, self-sacrifice and disproportionate investment on work over other life themes is still a common practice among lawyers working at law firms. This is considered the way to behave for someone who aims at becoming partner. Career is conceptualized as ascending and linear, and considered only to be rewarding when financial, status and professional outcomes are granted, which occurs once one becomes partner (Maister, 1997; Stumpf, 2002).

Thus, boundaryless careers are a commonplace but are much more inevitability than an option for lawyers to take. It may be linked with inability of firms

to provide upward careers to all lawyers (Cappelli, 1999; Dries, van Acker & Verbruggen, 2012; Kanfer, 1992). When unsatisfied or let go, lawyers can move easily between firms, transporting knowledge, clients and network, leaving often with an entire team. This happens very often between firms within the same jurisdiction, many times between the nearest competitors, as Bar constraints related with legal jurisdictions preclude lawyers' global mobility.

Lawyers' preference relies on linear career in the same firm, and the lawyers that are not included in firm plans for partnership, are forced to engage in a more boundaryless career. Engaging in boundaryless careers as an option is found to be quite rare, even among highly skilled individuals in different industries (Gratton, 2004). Brousseau, Driver, Eneroth and Larsson (1996) argue that climbers found it very difficult to address career in a different configuration. Protean careers are even more difficult to find: albeit being high-skilled workers, lawyers may lack the flexibility, intrinsic (subjective) reward approach, and whole-life perspective that Hall (1996, 2002) has pointed out as underlining a protean career approach.

Chapter 2

Talent Management State of the Art, Research Questions and Framework

2.1. Law Firms Challenges and the Rise of Talent Management

The law firm career model, steadily linked with the business model, implies a regular running and a continuous annual growth in profit, as well as in headcount, thus allowing for making new partners each year. Although the number of the ones thriving their cohorts and joining the partnership has always been reduced, till the beginning of the new-millennium the highest performing lawyers could expect this happy-ending. This assumption is now being defied.

New-millennium first decade economic slowdown has exposed firms to the experience of drop in demand, followed by decrease in revenue and profit per partner (Muir, Douglas & Meehan, 2004). Even some of the most prestigious firms have engaged in lay-offs, in particular the US and UK, but also other European countries. Several merged, whereas others closed their activity. The Law Society Gazette reported in 2013 a significant reduction on the number of law firms. Conversely, in-house departments have grown by hiring lawyers from law firms, with the knowledge to reduce legal services and to impose fees constraints to the firms where they have worked before.

Annual double-figure increases in revenue and profit based on annual fee increases are gone. The billable hours system created around 1950s, because it was difficult to anticipate the price in advance (Campbell et al., 2012), do not incorporate the notion of added value for client and may even incentive inefficiency from lawyers.

Also facing times of turmoil, clients are managing lower budgets and are pressuring providers, including law firms, for innovative service at lower and alternative fee arrangements. Pinnington (2013) evidenced that under a climate of recession the billable hour system became of particular sensitivity for clients. Alternative fee arrangements, such as success fees, deferred or contingent fees begun to take place, requiring managerial skills from firms, in particular project management.

Besides working longer hours, lawyers who thrive their cohorts and advance up the career ladder need to become superheroes to join the partnership, accumulating management responsibilities and business development routines, that do not fit their profiles (Galanter & Palay, 1999). This change is leaving several partners uncomfortable with the profession becoming more business-like (Galanter & Palay, 1990, 1994; Muir et al., 2004). Lawyers are also dissatisfied. It is still expected from lawyers to put work as a central life theme, whereas no promises related to access the partnership can be made in a downturn context, even for the most talented.

High-performing lawyers may just not have a strong enough business case for making partner, but firms cannot afford to lose their knowledge and relationship with clients (Mottershead, 2010). Malhotra et al. (2010) identified that the majority of firms have developed some kind of long-term permanent associate position to deal with the situation, however this means a very selective number of places and not an alternative system, which replaces the tournament model.

Advantages generated by the original tournament are plural and difficult to replace. First of all, partnership promise promotes loyalty, because it is a deferred compensation scheme; secondly, it is appropriate as an apprenticeship model, allowing young lawyers to work and learn from the more seniors, developing their potential

continuously; thirdly, it is unique in driving profitability because it propels motivation among lawyers for producing a high number of billable hours, without the necessity for complex managerial and control processes. The tournament is in itself a monitoring device (Galanter & Palay, 1990, 1994); fourthly, it is appropriated to assemble independent-minded professionals in project-teams work for delivering high complex solutions for clients; fifthly, management control of firms by owners make organizations to perform better (Greenwood, 2003), being more productive and profitable; and lastly a message of quality is send to the clients and the market, helping to create a competence allure.

      Research has revealed up-or-out to be the choice model even and mainly at recession times of flat or negative growth, as the model can be directly linked to financial outcomes, providing even at recession times the opportunity for promotions, maintaining attraction for young new hires (Baden-Fuller & Bateson, 1990). Up-or-out is linked with a positive relation between growth and partnership opportunities (or a negative relation between growth and number of senior lawyers let go). Promotion decisions have strategic impacts on firm's brand, reputation, attractiveness and even long term sustainability (Hitt, Bierman, Shimizu & Kochhar, 2001) as it impacts directly the leverage and profit per partner ratios.

      From the different stakeholders' perspective up-or-out is a very difficult to replace well-designed system. First, few associates that have the required profile for climbing the career rungs in a law firm will not be amenable to work the same hours for a role different from partner. Thus, as Malhotra et al. (2010) refer, for associates it still makes more sense to leave the firm when the partnership is not an option. Both partners and managing partners agree that the system is linked with elite firms' reputation and

with intra-cohorts' pressing, which are competitive advantages. On the other hand, retaining senior lawyers who will not make partner brought severe constraints beyond own motivation as cost, and keeping the more complex work preventing more junior lawyers from learning from stretching assignments (Malhotra et al., 2010), thus putting the business model at risk.

Career challenges brought by the economic juncture required a solution from the recently professionalized HR departments in law firms. Acknowledgment of the most talented disproportionate value to a firm's performance by creating competitive advantage (Felin & Hesterly, 2007; Gallardo-Gallardo et al., 2013), settled TM in the legal profession. Managing up-and-coming talent was disclosed as vital for supporting firms' adaptation to the new normal juncture (Davis, 2009), and talent was included among the most critical assets for firms' sustainability (Boudreau & Ramstad, 2005). Large and/or international US and UK law firms, drivers of change in the legal market, have created or changed designations of HR departments for TM (Mottershead, 2010), unleashing a new trend. A paradigm shift from considering lawyers' management as a necessary burn, towards the TM paradigm has been occurring (Mottershead, 2010). The identification, development and retention of the most talented lawyers became a priority.

2.2.   Talent Management Concept and Approaches

TM underlies the importance of identifying and managing talent for business success, requiring new approaches and practices to cope with a changing and increasingly complex, global and international context. But practitioners are using the same old HR practices for the attraction, retention and development of people.

Nonetheless the paradigm shift towards TM, the traditional HR practices remain broadly the same (Collings & Mellahi, 2009; Gallardo-Gallardo et al., 2013; Lewis & Heckman, 2006). TM is considered by several authors as just a sophisticated substitute for strategic HR management (Lewis & Heckman, 2006). Outdated recruitment, appraisal, training, coaching, career, and compensation practices reappear under a fresh designation without bringing anything new. This situation is metaphorically illustrated by Iles, David and Chuai (2010) as old wine in new bottles.

Albeit the popularity of TM, a proper field is lacking, which may be related with insufficient research to support the building of practices. Research is scarce and unorganized, as the field is being mostly practitioner and consultancy-based (Iles et al., 2010). Even the concept of talent is far from being clarified (Gallardo-Gallardo et al., 2013). Twofold and contradictory conceptions of talent may be found in the literature. The first and dominant approach, found both in literature and dictionaries, as well as in HR practice, is the exclusive approach to talent (e.g. Boudreau & Ramstad, 2005; Davies & Davies, 2010; Ernst & Vitt, 2000; Hunter, Schmidt & Judiesch, 1990; Rosen, 1981; Ulrich & Smallwood, 2012). This approach draws from the original meaning of the concept. Talent was first a unit of weight and after a coin used by the Babylonians, Assyrians, Greeks and Romans. Talent means a scarce resource, as a gift or a natural ability possessed by a short percentage of people, the ones frequently called high potentials, high performers, high flyers, top performers, A players or stars (Meyers, Van Woerkom & Dries, 2013) in the HR literature. Talent is associated with an innate quality, linked with general intelligence (Bouchard, 1998; Pfeffer & Sutton, 2006a). Talent is regarded as something intrinsic to some people and, that way, transferable across jobs and organizations. A subject approach to talent underlines this strand of

thought: talent is equal to innate attributes, or to individuals, and thus, the main purpose of TM should be identifying and retaining the most talented individuals. This approach may be linked with the well-known 'war for talent' expression (e.g. Gardner, 2005; Michaels, Handfield-Jones & Axelrod, 2001) launched by a group of McKinsey consultants in 1997. Among impactful researchers supporting the exclusive approach to talent may be found: i) Boudreau and Ramstad (2005); Collings and Mellahi (2009), reinforcing the importance of strategically important employees for key positions; ii) Gagné (2004), who linked talent with a natural ability or gift, and studied a small percentage of the most innately gifted; iii) Ulrich and Smallwood (2012); Tansley (2011), who have highlighted the importance of a small percentage of high potentials or high flyers, the ones who intrinsically have the potential for career upward; iv) Axelrod, Handfield-Jones and Michaels (2002); Welch and Welch (2005), who linked talent with a short percentage of people, that might be identified through the performance appraisal process. According to the authors, different percentages of the workforce are expected to perform at different levels: the A, B and C players; v) O'Boyle and Aguinis (2012), who linked high performers with more output and profit; vi) Aguinis, Gottfredson and Joo (2012), who have gone a step further and have referred the importance of a small percentage of high performers in each industry, highlighting talent as a scarce resource that is intrinsic and transferable across organizations from the same sector.

Recommendations for practitioners, according to this exclusive approach, are focused on the recruitment and the retention of the 'right' people (Smart, 2005) as priorities. Critical HR processes to achieve these goals are recruitment, and career management linked with performance appraisal and reward. Appraisal systems based on relative comparison, such as forced distribution ranking systems, based on the gauss

distribution for selection of the highest performers for career advancement and maximal reward, and identification for nudging out the lowest performers, fit well this approach. However, there is a dearth of research linking careers, performance appraisal and compensations with TM. Methodologies for the identification of the most talented in different industries and professions, such as the legal profession, as well as the identification of their attributes remain under researched. In fact, the dominant approach for the identification of high potentials overlooks the particularities of professions. There are some studies available in the literature that include high potentials from different industries and professions in the same sample (e.g. Dries 2009; Ready, Conger, Hill & Stecker, 2010). These studies value individual attributes for generic workplace over requirements for performing a particular role, in a specific context. This may lead to a criterion problem, identified by Graen (2009): practitioners should identify 'talent for what'? Although it is arguable that there are core attributes, in particular for managerial roles, that are important across industries (Saville, MacIver & Kurz, 2009), it is also arguable that the context and profession requirements are plural and may demand different sets of attributes for career success (e.g. Haserot, 2004; Polden, 2012; Stumpf, 2007b).

The second approach to talent, the inclusive one, relates talent with competencies and potential that may be developed. Competencies are defined as behavioural manifestations of talent (Boyatzis, 2008) that advance at an individualized pace. Through this lens, everyone has talent and people are found to be sometimes referred as the synonymous of the talent itself (e.g. Buckingham & Vosburgh, 2001; Silzer & Church, 2010; Yost & Chang, 2009). This object approach links talent with attributes of individuals. The identification of each individual's talents for development

or team building purposes is upheld. Talent is regarded as a function of ability, motivation and opportunity (Boxall & Purcell, 2011), a perspective that takes in the plurality and relevance of contexts, as highlighted by Thunnissen, Boselie and Fruytier (2013). Among impactful researchers supporting the inclusive approach to talent the following may be found: i) Silzer and Dowell (2010); Lewis and Hackman (2006), using talent as an euphemism for people; ii) Ulrich (2008), who approaches talent as a competence that may be developed; iii) Cheese, Thomas and Craig (2008), who have identified talent as all attributes, experience and knowledge that people bring to work; iv) Buckingham (2005); Colvin (2010), highlighting talent as potential that may be unfold, revealing that everyone can become high performers; v) Ericsson, Prietula and Cokely (2007), highlighting talent as mastery that improves over time. Recommendations for practitioners according to this inclusive approach address development and training activities, aiming at developing the talent of the entire talented workforce (Meyers et al., 2013). Notwithstanding, methodologies for the identification of each one's talents, that would inform development, are under researched.

2.2.1.   Exploratory Study on Talent Management

An exploratory study was conducted for verifying the TM state of the art in a pilot group of law firms from Club de Abogados and Amsterdam Club. An online questionnaire using Google Docs was developed, comprising five questions about TM (see questions and responses in Table 1). Links to the questionnaire were sent to the representative partner of each of the forty-two Club members. Instructions required just one answer from each law firm, expressing the formal firm's response. Firms'

anonymity was granted. A total of twenty-nine firms, each one from a different European or Latin American country completed the questionnaire.

Results of the first question referring to the settlement of a TM program reveal that the majority of firms already have programs or are planning their implementation for the near future. This confirms the importance of TM, also for the firms not included in the US and UK large and international firms tier.

In what concerns TM definition, the lack of consensus found in the literature is reflected in the responses to question two. In the literature, the concept of talent addresses plural realities: it addresses the identification, development and career planning for high performers, but it also refers to development of skills of all lawyers, and even the attraction, retention and development of lawyers. A splitting was found between the two main approaches referred in the literature. Just one firm referred that all the definitions fit the approach to TM followed by the firm. About half of the firms adopted an inclusive approach to TM, by defining the concept as the 'cycle of attracting, retaining and developing lawyers' or as the 'process of talent development (i.e. skills) of all lawyers. Talent is linked with attributes of lawyers, or with the process of managing all the lawyers. This approach is in line with consultant reports and management books that highlight skills development as the firms' major investment in what regards talent (e.g. Normand-Hochman, 2013). The other half identified TM as the 'cycle of identification, development and career planning for high performers'. This definition is consistent with an exclusive approach to talent. Processes for managing talent are targeted for a small number of lawyers, the ones identified as having more talent: the high performers. In brief, results revealed a talent concept clarification need in the context of the legal profession.

For establishing a common understanding of the designation of high performers, in the questionnaire, as well as in the thesis, Cope's (1998) definition was adopted and adapted for the context of law firms, as follows: 'Individuals (lawyers) within the organization (firm) who are recognized as the organization's likely future leaders (partners)'. In law firms, talent often equals the highest performing and talented lawyers, "those who will make partner in the future" (Brittain, 2005, p. 21).

Interestingly, all the firms referred acknowledgment regarding their high performers, even that the majority do not use any method for their formal identification (see answers to question 3). Moreover, the majority of firms agree that it is easy to identify high performers during the recruitment process (see answers to question 5). Acknowledgment of high performers, even with no formal identification method, and the ease in identifying talent during the recruitment process, may be related with the exclusive approach to talent that argues for the existence of a small percentage of people having more talent than others in a particular profession, contributing with disproportionate value for firms. According to this line of thought, talent is substantive and may be revealed through the emergence of a general factor of performance or talent.

A large majority of firms recognize high performers' identification as being critical for law firms' success. Indeed, almost all the firms agree or strongly agree with this statement (see answers to question 5). This identification may be linked with firms' acknowledgment of the importance of talent and the retention of the most talented for business sustainability. However, possible reverse effect of disengaging the non-high performers may occur. More than half of the firms pointed out that the high performers retention overcome the possible impact of non-high performers' disengagement, but one third were note sure of it, and one firm disagreed (see answers to question 5). This is an

important issue especially when an exclusive approach to TM is adopted, as it may be

related with different HR architectures for different groups of individuals (e.g. Welch &

Welch, 2005). This is the most frequently found approach in elitist and

large/international firms from the US and UK. The up-or-out career model that is based

on the selection of the high performers fits well the approach targeted for the most

talented lawyers. Nonetheless, it is not been explored so far in the literature weather the

most talented lawyers have all the skills required for business sustainability. The

differences between the most talented lawyers and peers' profiles are far from being

clarified.

   The majority of firms that engage in a formal process for high performers'

identification make use of appraisals and/or partners' information for this purpose. Only

a minority of firms reported the use of 360 feedback or assessment of potential (see

answers to question 3). In what concern recruitment, interviews are the universal

method, followed by reference checking. More than half of the firms use ability tests

and personality questionnaires for assessing potential (see answers to question 4).

According to the responses, the traditional HR processes are in place for the

identification of the most talented; both lawyers working in the firm and applicants.

Methodologies for the identification of the most talented, as well as for the

identification of each one's talents are definitively lacking.

  About half of the firms refer that high performers do not prefer to build their

careers across firms and the other half is not sure (just one firm agrees). According to

the firms' answers (see answers to question 5), boundaryless careers are not a

preference for high- performing lawyers. A preference for the building of the career in

Table 1. Questionnaire on Talent Management (N = 29).

1. Does your Firm have a TM program?	N
Yes	14
No	8
Not yet, but it is planned for the near future	7

2. If your firm has a TM program, state which of the following best describes it	N
Cycle of attracting, retaining and developing lawyers	8
Process of talent development (i.e. skills) of all lawyers	3
Cycle of identification, development and career planning for high performers[a]	9
All the above	1

3. Does your firm identify the high performers?[a]	N
No	0
Not through a formal process, but the partners know who they are	16
Yes, through a formal process, namely:	13
Partners' identification	6
360º feedback	3
Appraisal system	9
Assessment of potential	4

4. Which of the following methods are used for selection purposes at your firm?	N
Interviews	29
Reference Checking	20
Ability Tests	17
Personality Questionnaires	15
Assessment Centers	3

5. Evaluate each of the following sentences regarding high performers[a]	SD[b]	D[b]	NS[b]	A[b]	SA[b]
High performers' identification is critical for law firms' success	1	0	2	15	11
High performers' retention overcome the impact of others disengagement	0	1	9	15	4
High performers prefer to build their career across several firms	2	13	13	1	0
When a recruitment process is opened plenty of high performers apply	2	4	15	7	1
It's easy to identify high performers during the recruitment process	2	5	6	16	0

Notes: [a] Definition by Cope (1998) adapted for law firms: 'Individuals (lawyers) within the organization (firm) who are recognized as the organization's likely future leaders (partners)'. [b] SD (Strongly Disagree), D (Disagree), NS (Not sure), A (Agree), SA (Strongly Agree).

one or few firms will impact several HR processes and, among them, career

management, retention and recruitment processes. However, the experience of the firms

is not consensual in what concerns application of high performers once a job offer is

open. Some firms agree with a supply of high performers' applications into recruitment

processes whilst others disagree. Half of firms are unsure. The inconsistency of answers

may be related to the complexity of the situation: even though high performers would

prefer to build the career in the same firm, their willingness to succeed may lead them to

leave if unsatisfied. Galpin and Skinner (2004) reported that high performers are the

most eager to leave if career expectations are not met: 50% of them expect to leave

within 2 to 3 years and 82% within 5 years.

Although careers are core issues to firms' business model, a clear linkage

with TM is unavailable. The attributes required for making a career succeed in the new-

millennium law firm are under research and not linked with TM. There is a single

possible career path based on a very small number of lawyers who may progress to

reach partnership. Thus, it is rather important to identify the attributes that may

distinguish the most talented lawyers and their peers, and to link careers with TM.

2.3.   Research Purposes, Research Questions and Framework

The first aim of this thesis is to bridge TM and the legal profession theory,

by contributing for TM and talent concept clarification in the context of the legal

profession. The attributes required for career success in new-millennium law firms,

linked with the identification of the most talented lawyers, their (and their peers)

attributes and career prospects will be addressed, taking in the law firm's setting and

economic juncture.

The second purpose refers to build an integrated TM framework for law firms that supports TM practices and inform career management. Research on methods for talent identification that integrate the framework will be developed. In particular, performance appraisal, assessment centers, as well as ability tests and personality questionnaires will be explored as methods for the identification of talent, both for the identification of the most talented and for the identification of each lawyer's talents. A combination of methods will be explored, through a cross-sectional design, in order to identify better-suited approaches to talent identification. A longitudinal design will be applied for exploring talent prediction over time.

Aiming at contributing to empirical support of TM in the legal profession, the third purpose of this thesis relates with gathering and presenting empirical evidences from law firms. Samples including only lawyers working in law firms of medium and large size, and stakeholders of the lawyering role are comprised, thus enabling an in-depth analysis of TM in the particular context of law firms and legal profession. For accomplishing this purpose three empirical papers were elaborated and are presented in the following chapters beyond the pilot study on TM state of the art. The research framework that integrates participants, methods and design of the three studies is presented in Figure 2.

Each chapter starts by presenting the research framework, highlighting the elements approached in the respective paper.

The first paper, presented in Chapter 3, is entitled "Talent management at law firms: Integrating performance appraisal and assessment centers data" and addresses the substantive existence of talent (general factor of performance or talent), and the role of performance appraisals and assessment centers for talent identification,

presenting a better-suited approach (methodology) for the identification of the most

talented (high performers) and each lawyer's talents (high performers and peers). A

linkage with career is established. A cross-sectional design is used. Research questions

are as follows: i) What is talent in law firms? ii) Does talent have a substantive

existence? iii) Are assessment center ratings predictive of performance appraisal

ratings? iv) Can assessment centers contribute for

Talent Management and Legal Profession Theories
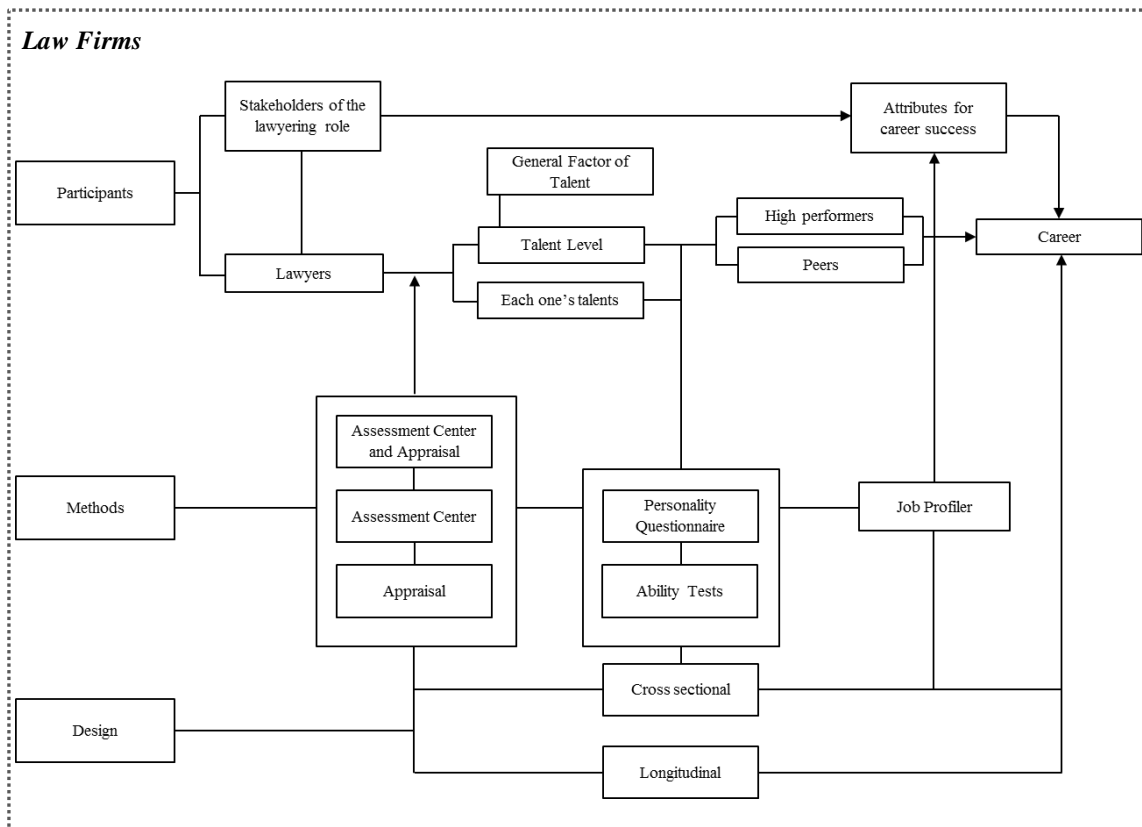
Figure 2. Research Framework.

reducing bias in talent identification? v) How to identify each lawyer's talents? vi) How

to link TM with careers?

The second paper, presented in Chapter 4, entitled "Is talent stable enough

to be predicted? A longitudinal study of lawyers' appraisals" includes a longitudinal

analysis of lawyers' performance rankings over an eight-year period. A neural network

that predicts performance rankings maintenance and change over time is developed. The

substantive existence of talent is endorsed, replicating the approach followed in the first

paper in an eight year period. Research questions are as follows: i) What is talent in law

firms? ii) Does talent have a substantive existence? iii) Is performance stable enough to

be predicted? iv) How to identify talent over time? v) Can high performers be identified

early in their career? vi) How to link TM with careers?

The third paper, presented in Chapter 5, links the perspective of

stakeholders upon the attributes required for career success with the attributes that

distinguish high-performing lawyers from their peers, using a cross sectional design.

Contribution of all lawyers with complementary talents for business sustainability is

highlighted, and the revision of the up-or-out career model is upheld. It is entitled "High

performers are not superheroes: Bridging exclusive and inclusive talent management

approaches for law firm sustainability". Research questions are as follows: i) What is

talent in law firms? ii) Which attributes are required by stakeholders of the lawyering

role for lawyer's career success in law firms? iii) Which attributes (skills and abilities)

distinguish the most talented lawyers? iv) How to identify each lawyer's talents? v)

How to link TM with careers?

Twelve law firms, members of Club Abogados and Amsterdam Club,

participated in the studies. Both lawyers and stakeholders of the lawyering profession

were enrolled. By including non-international law firms and participants from firms

outside the US and UK, an additional purpose of overcoming the mainstream biased

literature towards a US/UK centric approach (Tansley, 2011) is established.

The topicality of the studies varies, from the organizational level (e.g. TM challenges for laws firms) to the individual level (e.g. performance appraisal rating of each lawyer); but also approaching in the same study topicalities both from the organizational and the individual level (e.g. attributes for career success, as identified by the law firms; and the attributes that distinguish the high-performing lawyers), allowing for comparison.

Design of the studies is both cross-sectional and longitudinal, allowing for an in-depth analysis of realities.

Twofold perspectives will be addressed: first, the firms' perspective, by investigating talent identification methods and its linkage to performance appraisal, assessment of potential and career management, both for high-performing lawyers and other lawyers. Second, the lawyers' perspective, by taking in self-reported measures as the personality questionnaire, as well as measures of potential (assessment center and ability tests) and performance (appraisal). Lawyers' awareness in relation with feedback on own talents and information for career self-management will be considered. However, for impossibility of reaching lawyers' directly due to firms' restriction, the viewpoint of lawyers will be out of the working scope. Also out of the working scope will be recruitment and development practices.

Chapter 3

A New Approach to Talent Management in Law Firms: Integrating Performance Appraisal and Assessment Center Data[8]

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[8] The evidences from this paper provided the basis for projects that were awarded by Financial Times (see Appendix A).

[9] Q1 - Scimago Journal & Country Rank in Business, Management and Accounting Category (SJR = 0.78 in 2015). Thomson Reuters Emerging Sources Citation Index (ESCI).
Abstracted and indexed in: ABI Inform, Business Source Alumni Edition/Complete/Complete: Government Edition/Corporate/Corporate Plus/Elite/Main Edition/Premier, Cabell's Directory of Publishing Opportunities in Management and Marketing, Education Research Complete/Education Source, Emerald Management Reviews, Ergonomics Abstracts, INSPEC, ProQuest, PsycINFO, ReadCube Discover, SafetyLit, Technical, Education and Training Abstracts, TOC Premier (EBSCO);
and ranked by: ABS (UK), Australian Business Deans Council (ABDC) Quality Journal List, Australian Research Council (ERA Journal List), BFI (Denmark), JourQUAL 2.1 (Germany), NSD (Norway), Polish Scholarly Bibliography (PBN), Qualis, Scopus, The Publication Forum (Finland).

In the following pages a paper that pioneers empirical research regarding talent identification in law firms is presented. In the research framework, presented below, the elements comprised in the study are highlighted: lawyers as participants (61 senior-lawyer sample from a Portuguese law firm); averaged appraisals and assessment center ratings, as the method proposed for in-depth identification of each one's talent level (high performers and peers), as well as each lawyer's talents. A linkage with career, both in the perspective of firms' management, and career management by each lawyer, is established. The design is cross-sectional.

Talent Management and Legal Profession Theories
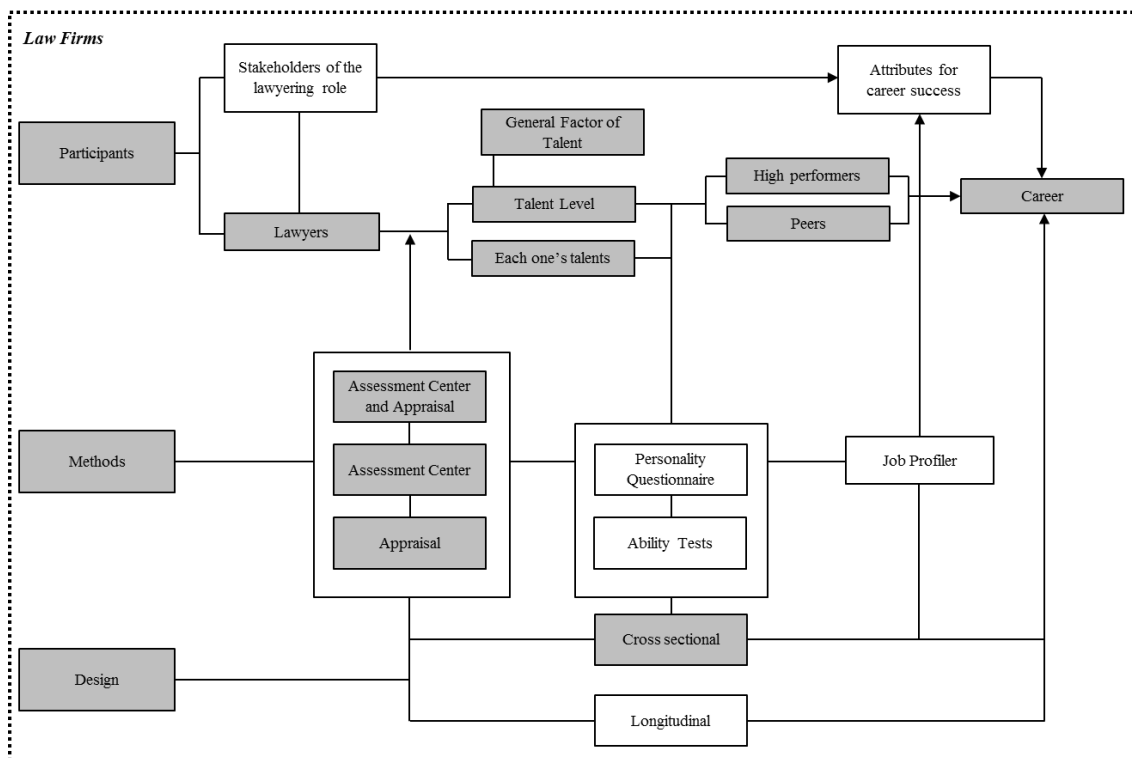
Figure 3. Research Framework, Highlighting the Elements Approached in Paper 1.

3.1. Abstract

Purpose – This paper proposes a new approach to TM that consists of averaging performance appraisal and assessment center ratings for in-depth identification of lawyers' talents.

Design/methodology/approach – The approach's adjustment was examined using a 61 senior-lawyer sample from a Portuguese law firm. Comparisons between assessment center and performance appraisal ratings were analysed using paired-sample t-tests and a kernel density function, and predictive validity was assessed with Pearson correlations. Evidence of both a general performance factor and two additional factors was verified using principal component analysis. Varimax rotation was used to verify three broad factors with job profile's three broad areas.

Findings – Results suggest support for the assessment center's predictive validity. Its lower and more variable ratings overcome performance appraisal rating bias. Adjustment of the new approach to lawyers' overall talent identification (the general factor) and each lawyer's relative talents (three broad factors) was observed.

Research limitations/implications – This study contributes to the body of knowledge regarding the substantive existence of a general performance factor, and adds to empirical research concerning talent management, which is lacking. However, generalizability requires broader samples and replication.

Practical implications – The approach is a methodology that informs career management, high-flyers' identification, talent mapping, development, succession planning, team composition and diversity analysis. For lawyers, objective feedback allows benchmarking talent and managing one's career.

Originality/value – This study pioneers empirical research that develops methods for identifying talent in law firms, vital for firm sustainability.

3.2. Introduction

As knowledge worker firms (Drucker, 1959), law firms rely on lawyers' knowledge and talents to provide value to clients and to build organisational uniqueness (Buckingham & Vosburgh, 2001). HR management has always been essential to law firm success, but it is the new normal (Davis, 2009) economic instability scenario that brought to light the TM paradigm. The new context pushes law firms into a competitive business environment (Muir et al., 2004), focused on profitability. Reductions in demand resulting in stymied growth—and in some cases costs related to internationalisation (Stumpf, 2007a)—require greater productivity and lawyer mastery of additional competencies beyond legal skills. Project management and business development skills are critical (Manch & Mottershead, 2010), whereas fewer career opportunities and restricted access to partnerships are common. Addressing these challenges, a paradigm exchange is occurring in law firms, one from investing in people as a necessary burden to unleashing human capital as the most important firm asset. TM advocates attraction, identification, retention, and development of the right assets (Collins, 2001; Ready et al., 2010) for law firms' long-term sustainability (Boudreau & Ramstad, 2005; Mottershead, 2010). Increasingly common is the presence of TM at law firms either in the form of programs or departments (Manch & Mottershead, 2010). Its relevance to driving firm performance is also stressed by law firms' specialised press: 'Talent management is job-one for all law firms today (…). It's certainly not a stretch to say that what you do now to attract, retain, and develop human capital directly

determines your law firm's future' (Isom-Rodriguez, 2007, p. 2). *The Lawyer* reported on one of the many conferences organised for firm practitioners, stating 'Law firms need to implement solid TM schemes to get through the credit crunch intact' (Moshinsky, 2008, p. 8).

TM is vital for identifying the most talented to ensure lawyers climbing career ladders will offer added value to the client and the business (Stumpf, 2007a), and that these valuable assets are retained. TM should be sustained by objective evaluation that enables identification of each lawyer's overall talent and provides detailed information regarding each lawyer's relative talents. The information is important for both management decision support and for feedback to the individual and increasing their self-awareness. Despite the importance of sustaining development of TM, empirical studies are surprisingly lacking (Collings & Mellahi, 2009; Dries & Pepermans, 2008; Lewis & Heckman, 2006). We present a field study with the purpose of building empirical research concerning TM in law firms. Drawing on extant research regarding a substantive general performance factor, we acknowledge differentiation of lawyers according to each lawyer's overall talent. We elaborate on the bias that inflates the general factor in appraisal ratings thereby preventing this common evaluation method from being a unilateral source of TM information. We address the advantages of using an assessment center concerning rating objectivity and its predictive validity in relation to performance. Finally, we propose a new approach to TM that consists of averaging performance appraisal and assessment center ratings to identify each lawyer's relative talents. We examine its adjustment for talent identification in a sample of 61 senior lawyers in a Portuguese law firm.

3.3. Background

The TM paradigm drives law firms toward skills-based approaches (Polden, 2012) regarding recruitment, performance appraisal, career management, and development. Lawyers' job profiles go beyond hard skills related to legal knowledge, analysis, and legal solutions. Soft skills such as skills related to client and business (e.g., communication, relationship with client, project management, and business development (Stumpf, 2007b) and advanced leadership skills related to firm management (e.g., teamwork, and financial and people management (Bock & Berman, 2011; Maister, 1997; Motershead, 2010) are also critical. Identification of behavioural descriptions of skills required for success is a practice increasingly found in law firms (Polden, 2012), executed by weighing the most talented lawyers' skills, firm culture (Manch, 2010), strategic goals, and benchmarking with other firms. Acknowledgment of critical success skills provides a shared vision of necessary behaviours, and both partners and lawyers share a roadmap for development and career advancement. It also provides standards for HR management regarding recruitment, performance appraisal, development, career management, and reward. Both variations in economic forecasts and firms' unpredictable evolutionary challenges change the relative importance of skills constantly. Assessment and development of a full job profile might be an important strategy to ensure business readiness (Haserot, 2004). Enhancing job profile complexity, high productivity is imperative for profitability, from junior to partner levels. Disparate from other business structures, partners operate as both managers and firm owners, but remain important producers (Pinnington & Morris, 2003). Continuation of a partnership model in the future suggests the relevance of assessing three broad areas of a lawyer's job profile that this study identifies (i.e., hard skills, soft

skills, and productivity). Indeed, professional service firms represent exemplary models regarding governance (Greenwood, 2003), and the literature clearly identifies a positive relationship between organizational performance and the partnership model (Durand & Vargas, 2003; Greenwood, 2003; Greenwood, Deephouse & Li, 2007). The partnership model is based frequently on a model of organic growth (Muzio, 2004; Pinnington & Morris, 2003), itself based on an ascending, linear career plan for associates. Annually, lawyers in the same cohort (i.e., same post-qualification experience in years) are comparatively evaluated to verify progression potential for the next seniority level. High performers advance for the next career level while underperformers—especially in elite firms (Malhotra et al., 2010)—might be encouraged to leave the firm (Stumpf, 2007a). Headcount is restored with recruitment of trainees. This up-or-out career advancement model identifies and retains the highest performing and talented lawyers, 'those who will make partner in the future' (Brittain, 2005, p. 21). Career advancement decisions associate frequently with evaluations (i.e., performance appraisal systems) and have significant impacts on both lawyers' career and firms' reputations and performance (Hitt et al., 2001).

The TM paradigm highlights performance appraisal skills-based approach as a core HR practice for talent identification of each lawyer's overall and relative talents. Performance appraisal is spreading across law firms, informing management decisions related to lawyers' career advancement, rewards, and development (Fletcher, 2001). Lawyer performance appraisals are partners' responsibilities since top-down assessment is the most widely used approach to performance evaluation in the majority of organizations (Scullion, Mount & Goff, 2000). An important challenge related to performance appraisal is rating bias (Bol, 2011; Holzbach, 1978; Hoyt & Kerns, 1999;

Landy & Farr, 1980). We highlight two types: a) leniency (Ford, 1931), which reflects a tendency to over-evaluate performance and b) the halo effect (Thorndike, 1920), which reflects exaggerated correlations among ratings based on disparate criteria. Many studies examine methods of minimizing bias, but raters' general beliefs about ratees' overall performance persist (Hoyt & Kerns, 1999). This phenomenon may be explained by recent research that reveals the substantive existence of a general performance factor beyond rating bias (e.g., Kurz, Saville & MacIver, 2009; van der Linden, Bakker & Serlie, 2011; Viswesvaran, Schmidt & Ones 2005). In a meta-analysis, Viswesvaran et al. (2005) argue for the existence of this factor, which accounts for about 60% of ratings' total variance, even when controlling for rating bias. Existence of this Big One factor of competency (Kurz et al., 2009) is highlighted by positive correlations among most competencies (Hulin, 1982) and the contribution of cognitive skills and conscientiousness to all performance dimensions (Viswesvaran et al., 2005). This general factor of performance is evidenced through factorial analysis of ratings by extracting a general factor that explains a substantial portion of the variance on which all dimensions of performance load, followed by a 'sharp edge after this first factor' (van der Linden et al., 2011, p. 643). Kurz et al. (2009) suggest substantive existence of the general factor of performance, and describe three broad effectiveness factors revealed through varimax rotation of factors extracted from principal-component analysis: demonstrating capability, working together, and promoting change. This model is relevant to the current study since the three effectiveness factors encompass the majority of ratings variance and might link to broad areas of talent, allowing identification of each one's effectiveness or talent areas.

The general performance factor may be evidenced in all evaluation ratings and across all evaluation methods, assuming disparate magnitudes according to each method due to bias. The general factor contributes to building an image of each ratee's overall performance by the rater that is in turn reflected in ratings. The more the ratings are biased, the more inflated the general factor of performance, assuming a larger magnitude revealed through factorial analysis. Viswesvaran et al. (2005) report inflation of the general factor by 33% for supervisor ratings due to bias. Bias in performance appraisal ratings may prevent this evaluation tool from becoming a leading method of talent identification. Leniency and halo effects inflate the general performance factor, resulting respectively in over evaluation of lawyers' overall performance, which leads to lack of marked differentiation among lawyers' overall performance (Berger, Harbring, Sliwka, Harbring & Sliwka, 2013; Guralnik, Rozmarin & So, 2004), and in dimension overlap, which leads to lack of discrimination of each lawyer's relative talents.

Regardless of ratings biases, performance appraisals should be included in TM practices. They convey information provided by partners in relation to each lawyer's performance, and despite any biases, performance appraisals address broad differentiation of performance and talent among lawyers. Appraisals can also evaluate all dimensions of a job profile (e.g., cultural fit and productivity), which is difficult with other evaluation methods. We propose an approach to TM that preserves information provided from performance appraisals and adds a more objective source of talent information—the assessment center. The approach fosters objectivity by integrating performance evaluation (i.e., from a performance appraisal) with performance potential (i.e., assessment center) by averaging performance appraisal and assessment center ratings. Combining information from partners with performance potential from external

assessors, we integrate these two important perspectives concerning each lawyer, minimizing bias and maximizing evaluation accuracy.

An assessment center's strengths are based on both multiplicity of methods and raters with no knowledge of a participant's performance or background and who are trained to maximize rating objectivity and minimize rating bias. More than one rater assesses each participant, and each competency (e.g., dimension or skill) is assessed using more than one method (e.g., simulation exercise, interview or questionnaire, etc.) (SHL Group, 1998). The assessment center evaluates critical skills for a role according to a job profile (i.e., either a participant's current role to assess strengths and developmental needs, or a participant's potential to perform a different role during recruitment, internal mobility, or promotion). Assessment center use has enjoyed fifty years of success supporting organizations in selecting (i.e., recruiting and promoting) and identifying strengths and developmental needs (Arthur, Day, McNelly & Edens, 2003; Jones, 1992; Krause, Heggestad, Kersting & Thornton, 2006; Kudisch, Ladd & Dobbins, 1997; Lievens & Thornton, 2005; Thornton & Rupp, 2006).

Paramount to performance, the general performance factor should also be observed in assessment center ratings, though we suspect it has lower magnitude than the general factor extracted from performance appraisal ratings. The tendency for participants to have consistent performance across all assessment center exercises (Lance, Foster, Nemeth, Gentry & Drollinger, 2007), which the literature discusses extensively, may be explained as an expression of a substantive general performance factor instead of lack of construct validity. It may also underlie the predictive validity of assessment center ratings (i.e., a measure of performance potential) regarding performance appraisal ratings (i.e., a measure of performance). Meta-analyses suggest

overall assessment center ratings predictive validity concerning overall measures of performance, career, salary, and other career success factors (Aamodt, 2004; Arthur et al., 2003; Gaugler, Rosenthal, Thornton, G.C. III & Bentson, 1987; Hermelin, Lievens & Robertson, 2007; Schmitt, Gooding, Noe & Kirsch, 1984). Krause et al. (2006) report significant correlations between overall assessment center ratings and workplace outcomes, which range from .41 (Schmitt et al., 1984) to .22 (Aamodt, 2004).

3.4. Proposed Model and Hypotheses

We propose a new approach to TM in law firms that consists of averaging performance appraisal and assessment center ratings. We expect the new approach to identify both overall talent of each lawyer (acknowledged by the general performance factor) and each lawyer's relative talents (three broad areas of a lawyer's job profile revealed through varimax rotation of the three factors extracted from principal component analysis). The general factor is expected for all ratings (i.e., performance appraisal, assessment center, and the new approach's ratings), though with larger magnitude in performance appraisal ratings due to the bias inflation. Two additional factors are expected only with the new approach, given that the lower and more variable assessment center ratings reduce performance appraisal rating bias inflation. Only one additional factor is expected in the performance appraisal and assessment center models: in the former because rating biases inflate the variance of the first factor, and in the latter because a reduced form was used for the job profile.

Identifying three factors that match the three broad areas of a senior lawyer's profile—hard skills, soft skills, and productivity—is essential to identify further each lawyer's relative talents. Although full correspondence between the three

broad areas of the job profile used in this study and the three effectiveness factors from Kurz et al. (2009) is not expected, a link might be identified. Promoting change might relate to hard skills since both relate to demonstrating potential and pioneering approach; working together might relate to soft skills since both express a people-focused approach; and demonstrating capability might relate to productivity since both relate to task and expert approaches.

Although varying information is expected from assessment centers and performance appraisals, a moderate correlation is expected between both ratings. Therefore:

H1: Assessment center ratings are lower and more variable than performance appraisal ratings.

H2: A general performance factor is expected in both performance appraisal and assessment center ratings, with higher magnitude in the performance appraisal ratings.

H3: A general performance factor and two additional factors are expected in the new approach model. Through varimax rotation of these three factors, the three broad areas of a senior lawyer's job profile that link to effectiveness factors from Kurz et al. (2009) are evidenced.

H4: Assessment center ratings have predictive validity regarding performance.

3.5. Methods

3.5.1. Setting and Data

The sample for this study was drawn from one of the largest Portuguese law firms. Assessment center evaluations were conducted between 2010 and 2013, and performance appraisal data were collected for each lawyer according to the assessment center's participation date (i.e., the performance appraisal following participation with the assessment center). Assessment center feedback occurred after performance appraisals to prevent bias. Sixty-one senior lawyers comprised the sample, ranging in age from 32 to 43 (mean=36, standard deviation=2.7). Sixty-six percent of the sample were women and 34% were men.

3.5.2. Evaluation Criteria

Thirteen dimensions, grouped into three broad areas (i.e., hard skills, soft skills, and productivity) were drawn from job profiles for evaluation during performance appraisal. For the assessment centers, a reduced form of these dimensions was used (Table 2).

Recent literature highlights hard and soft skills found commonly in job profiles, which might map directly to the job profile used in this study: 1) Hard skills: written advocacy, legal research, analysis, expertise, innovation, and problem-solving (Berman & Bock, 2012; Kouzes & Posner, 2011; Cullen, 2009; Pinninghton, 2011); 2) Soft skills: leadership, teamwork, (Polden, 2012; Stumpf, 2007a), communication and negotiation, business development (Polden, 2012; Kouzes & Posner, 2011; Berman & Bock, 2012, Pinnington, 2011), project management (Berman & Bock, 2012), management time and pressures, client orientation, and services to the firm (Polden,

2012). Pinnington (2011) interviewed junior and senior lawyers and found a shared vision regarding skills that promote law-firm success: technical expertise, client orientation, management, business development, communication, time management, relationship, and focus on productivity (i.e., billable and non-billable hours).

Table 2. Dimensions Definition of the Senior Lawyer Job Profile.

Hard Skills	
1. Evaluating Issues	Studies and analyses the relevant issues autonomously. Questions and challenges assumptions
2. Finding Solutions	Evaluates risks, defines possible approaches, and presents tailored solutions
3. Knowledge	Has deep knowledge of the specialty area. Updates and develops technical knowledge
4. Drafting	Drafts technically solid documents and supervises quality. Adapts language to the situation and client

Soft Skills	
5. Persuasion	Is able to influence others. Transmits credibility and confidence in communication and presentations
6. Client Orientation	Behaves as a partner in business with the client. Delivers fast and efficient services
7. Business Development	Seizes, works on, and looks for new business opportunities, primarily through networking
8. Firm Focus	Has an overall view of the Firm. Looks for ways to improve work processes and engages in implementation
9. Leadership	Assigns work and gives constructive feedback. Motivates and promotes the team's autonomy through coaching
10. Resource Management	Manages time and resources efficiently, adjusting the team and seniority to each task
11. Achievement Focus	Takes in and tries to reach the goals proposed. Sets gradually ambitious targets for self and team

Productivity	
12. Billable Hours	Number of hours billed to clients annually
13. Efficiency	Executes work with quality and swiftness (in the appropriate time)

3.5.3. Rating Scale

A 5-point behavioural observation rating scale (Christ & Boice, 2009) anchored by frequency of behaviours was used, and ratings for each skill were calculated by averaging 5 items. Table 3 shows the rating scale and items for the first dimension.

Table 3. Behavioural Observation Rating Scale. Items on Evaluation Issues Dimension.

	Dimension	Frequency of behaviour (%)				
1.	*Evaluating Issues: Studies and analyses relevant issues autonomously. Questions and challenges assumptions*	0-20	21-40	41-60	61-80	81-100
1.1.	Studies the relevant issues	1	2	3	4	5
1.2.	Identifies the questions to be analysed as well as possible implications	1	2	3	4	5
1.3.	Questions and challenges assumptions	1	2	3	4	5
1.4.	Takes in and applies information in order to respond to issues raised	1	2	3	4	5
1.5.	Is able to diagnose adequately and autonomously	1	2	3	4	5

Billable hours was rated using the same 5-point rating scale, and calculated using percentage of accomplishment according to lawyers' target working hours.

3.5.4. Performance Appraisal

Performance appraisals review each lawyer's annual performance. Partners rated hard and soft skills according to the senior lawyer's job profile, and billable hours was rated according to the number of working hours, described in the previous section. An overall performance appraisal rating for each lawyer was computed by averaging (arithmetic mean) all ratings of the assessed dimensions.

3.5.5. The Assessment Center

The assessment center evaluated the potential for hard and soft skills described in the senior lawyer's job profile, except for knowledge. Evaluating issues and finding solutions, and drafting and persuasion, were evaluated as one dimension. Lawyers participated in a one-day assessment in groups of five, and four assessors assessed each to improve objectivity. The lawyers completed a competency-based interview and three simulations: leadership role-playing, group exercises, and presentation exercises. Each dimension was rated during a consensus meeting that all assessors attended, and assessors used the same 5-point rating scale used for performance appraisal. An overall assessment center rating was computed for each lawyer by averaging (arithmetic mean) all ratings of the assessed dimensions.

3.5.6. Analysis

Following several studies that assessed similar data, a parametric approach was used in this study (Goffin, Jelley, Powell & Johnston, 2009; Schleicher, Bull & Green, 2009; Björkman, Ehrnrooth, Mäkelä, Smale & Sumelius, 2013). The reason for this approach was threefold, and the first was driven by the research problem (Tuckey, 1962). Verification of means and variability disparities, correlations, and substantive existence of a general factor is possible only through a parametric approach. Second, observed-behaviour rating scales associate frequently with ordinal data (Christ & Boice, 2009). Quantification of behaviour displayed through a percentage frequency ranging from 0% to 100% (i.e., the rating scale used in this study) allows quantification of differences beyond ordinal ranking. Frequency rating scales produce interval data, enabling the parametric approach. Several studies suggest these data are equivalent to

interval or ratio data under certain conditions (e.g., use of *never* and *always* as anchors (for a review, see Carifio & Perla, 2007; Velleman & Wilkinson, 1993). Third, even if the rating scale produced ordinal data, scaling the data would increase Pearson correlation coefficients and invite other multiplier effects (Carifio & Perla, 2007). Consequently, the general factor could be categorized as an artifact. Three analyses tested the four hypotheses.

H1. Differences between overall assessment center and performance appraisal ratings, and differences at the dimension level between the two methods, were analysed using paired-sample t-tests. Differences between intra-subject ratings of the two methods were assessed by comparing distributions for each individual's mean and standard deviation of assessment center and performance appraisal ratings. A kernel density function (a method of estimating the probability density function of a random variable) provided estimates of the distribution (histograms) for the aforementioned parameters.

H2 and H3. Ratings from performance appraisal, assessment center, and the new approach (i.e., performance appraisal and assessment center average ratings) were analysed through principal component analysis (PCA). In the new approach, the average of each variable from appraisals was calculated with corresponding variables from assessment centers. For knowledge and productivity, the original results were used as an average since there is no counterpart from assessment centers. Evidence of a general factor in all ratings and evidence of two additional factors from the new approach ratings were tested by analysing the principal components extracted from the PCA models. Eigenvalues greater than 1 were used as criteria for component extraction. Verification of the three factors (matching hard skills, soft skills, and productivity broad

areas of the job profile) for the new approach's ratings required three principal

components and varimax rotation (i.e., factor analysis). The rotation was applied to

loadings of the three principal components in the new approach model, and also to

assessment center and performance appraisal models for comparison purposes,

maximizing the sum of variances of the squared loadings. Rotation was performed using

Kaiser normalization. The statistical significance of the loadings obtained after rotation

was assessed by determining the p-value for each loading through a resampling strategy.

The means and standard deviations of each loading were verified by repeating the

procedure from randomized initial matrices. These matrices were obtained by shuffling

the values in each matrix column. The procedure was repeated five-thousand times to

ensure convergence. P-values were estimated from the distributions obtained for each

loading, and statistical significance was inferred from each loading's p-value.

   H4. Predictive validity of assessment center ratings related to ratings arising

from performance appraisals was analysed using a one-tailed t-test of the Pearson

correlation coefficient. We verified the correlation between overall ratings from

assessment center and performance appraisal ratings for benchmarking against Krause

et al.'s (2006) meta-analysis values, which ranged from .41 (Schmitt et al., 1984) to .22

(Aamodt, 2004). In addition, correlations between assessment center and performance

appraisal ratings, and between each dimension evaluated by the assessment center

regarding overall performance, were computed.

3.6.   Results

   H1. Table 4 shows means and standard deviations for performance

appraisal, assessment center, and new approach ratings. Paired-sample t-tests suggest

differences between overall assessment center and performance appraisal ratings, and

differences at the dimension level between the two methods (p<0.01); therefore, the

assessment center yielded lower ratings.

Table 4. Means and Standard Deviations for Performance Appraisal, Assessment Center and New
Approach Models.

Dimensions	Performance Appraisal		Assessment Center		New Approach[a]	
	Mean	SD	Mean	SD	Mean	SD
Evaluating Issues	4.11	.52			3.57	.49
Finding Solutions	3.98	.57	3.03	.73	3.51	.52
Knowledge	4.09	.46	—	—	4.09	.46
Drafting	4.08	.39			3.79	.38
Persuasion	4.02	.44	3.20	.73	3.61	.46
Client Orientation	4.11	.39	3.51	.57	3.81	.34
Business Development	3.82	.46	3.26	.70	3.54	.48
Firm Focus	3.79	.39	3.31	.89	3.55	.52
Leadership	3.91	.40	3.07	.79	3.49	.46
Resource Management	4.05	.43	3.30	.69	3.67	.43
Achievement Focus	4.08	.51	3.44	.72	3.76	.49
Billable Hours	3.76	.80	—	—	3.76	.80
Efficiency	4.02	.61	—	—	4.02	.61
Overall Rating	3.99	.39	3.27	.48	3.70	.36

Note: [a] New Approach model obtained through performance appraisal and assessment center averaged
ratings.

Mean and standard deviation distributions for individual overall rating

between methods also suggest differences (Figures 4a and 4b). Modes for mean

distributions were 3.25 and 3.90 (Figure 4a), and modes for standard deviation

distributions were 0.46 and 0.23 (Figure 4b) for assessment center and performance

appraisal ratings, respectively.
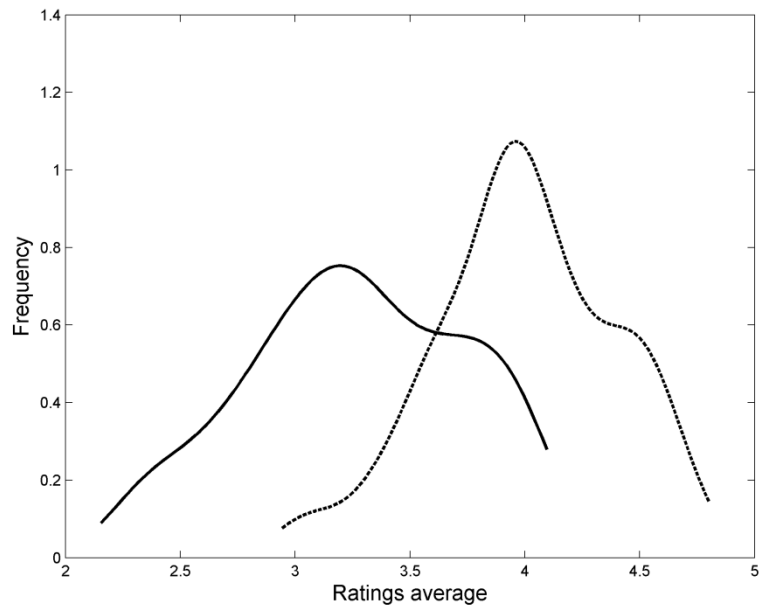
Figure 4a. Mean Distribution of the Assessment Center and Performance Appraisal Overall Rating for Individuals.

Notes: Assessment center (———); performance appraisal (•••••••).
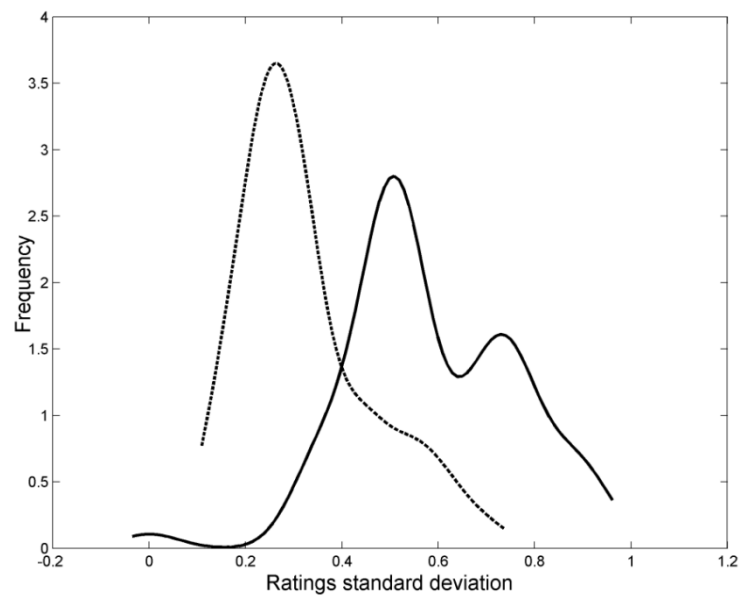
Figure 4b. Standard Deviation Distribution of the Assessment Center and Performance Appraisal Overall Rating for Individuals.

Notes: Assessment center (———); performance appraisal (•••••••).

The distributions identified lower and more variable ratings from the assessment center, supporting H1. The smaller rating and greater variability of assessment center ratings in comparison to performance appraisals suggest less influence of leniency and halo effects for assessment center.

H2. A general factor for both evaluation methods (i.e., performance appraisal and assessment center ratings) was extracted from independent PCA models, confirming H2. Results show that 66% and 44% of the total variability was captured by the first principal component (PC1) of performance appraisal and assessment center models, respectively (Table 5). Extraction of a general performance factor from both evaluation methods on which all dimensions loaded suggests a substantive general performance factor.

H3. From the PCA models, only one additional factor (eigenvalue greater than 1) was verified for both evaluation methods. Thus, it is not possible to suggest the three factors required to address the three broad areas of the senior lawyer's job profile. The new approach model yielded three principal components with eigenvalues greater than 1 (i.e., the general factor of performance and two addition components). All dimensions loaded on the general factor of performance (PCA1), explaining 53% of total variance. Loadings obtained after varimax rotation supported the three factors matching the three broad areas of the senior lawyer's job profile, as suggested by H3 (Table 5) and that relate to Kurz et al.'s (2009) three effectiveness factors. The effectiveness factors' structure supports the loadings obtained with the new approach model, particularly for business development and knowledge. Regarding the soft-skills factor (PCA1), the relationship and management dimensions were all accounted for as expected: persuasion, client orientation, firm focus, leadership, resources management,

Table 5. Unrotated and Rotated PCA Models Obtained from Performance Appraisal, Assessment Center, and New Approach Models.

| | Unrotated Model | | | | | | | Rotated Model (Varimax) | | | | | | |
| | Performance Appraisal | | Assessment Center | | New Approach[a] | | | Performance Appraisal | | Assessment Center | | New Approach[a] | | |
	PCA1 66%[b]	PCA2 10%[b]	PCA1 44%[b]	PCA2 16%[b]	PCA1 53%[b]	PCA2 10%[b]	PCA3 8%[b]	PCA1 39%[b]	PCA2 36%[b]	PCA1 36%[b]	PCA2 24%[b]	PCA1 28%[b]	PCA2 26%[b]	PCA3 17%[b]
Dimensions														
Evaluating Issues	.841*	-.341*			.798*	-.341*	-.377*	**.845***	.331			.228	**.896***	.197
Finding Solutions	.887*	-.371*	.531*	.596*	.812*	-.367*	-.381*	**.899***	.340	.130	**.787***	.218	**.920***	.212
Knowledge	.874*	-.268*	—	—	.657*	-.440*	.118	**.819***	.406	—	—	.101	.551	**.571**
Drafting	.823*	-.465*			.889*	-.025	-.181	**.917***	.228			.542	**.684***	.248
Persuasion	.863*	-.285*	.856*	.074	.866*	.166	-.206	**.823***	.386	**.684***	.520	**.670**	.594	.133
Client Orientation	.878*	.111	.671*	.081	.723*	.187	-.158	.562	**.684***	**.524**	.427	**.597**	.465	.101
Business Development	.762*	.294*	.417*	.650*	.523*	-.021	-.018	.351	**.738***	.005	**.772***	.321	**.350**	.219
Firm Focus	.843*	.364*	.624*	-.487*	.672*	.396*	.205	.362	**.844***	**.788***	-.078	**.751***	.111	.270
Leadership	.603*	.381*	.792*	-.427*	.672*	.591*	-.015	.176	**.691***	**.897***	.062	**.882***	.153	.010
Resource Management	.746*	.284*	.601*	.105	.648*	.247	.127	.346	**.719***	**.452**	.410	**.618**	.214	.266
Achievement Focus	.906*	.102	.721*	-.175	.773*	.256*	.145	.587	**.697***	**.703***	.238	**.706***	.277	.329
Billable Hours	.600*	.383*	—	—	.587*	-.240	.667*	.172	**.691***	—	—	.252	.075	**.882***
Efficiency	.827*	.106	—	—	.739*	-.361*	.382	.528	**.645**	—	—	.236	.403	**.777***

Notes: [a] New Approach model obtained through performance appraisal and assessment center averaged ratings. PCA1: first principal component; PCA2: second principal component; PCA3: third principal component. [b] Percent of retained variance. Higher loadings for each PCA of the rotated models are shown in bold.

* p<0.05.

and achievement focus had higher loadings in this factor. The hard-skills factor (PCA2) was comprised of evaluating issues, finding solutions, drafting, and business development. Business development's higher loading on this factor (though it also loaded on soft skills) may be explained by the dimension's definition: 'Seizes, works on and looks for new business opportunities, namely through networking' such that in the portion related to 'seizing new business opportunities' underlies a need for hard skills such as analysis, and in the portion related to 'networking' requiring soft skills. A possible link between hard skills and promoting change effectiveness from Kurz et al. (2009) highlights the importance of addressing a pioneering approach (possibly through business development) with hard skills. The productivity factor (PCA3) loaded on knowledge, billable hours, and efficiency. Knowledge's stronger loading on productivity (though it also loaded on hard skills) does not challenge the hypothesis since knowledge is one element of know-how, the production cycle, which means that the more a client and partners trust a lawyer's knowledge, the more work is requested, and therefore the number of billable hours increases. The link with demonstrating capability effectiveness from Kurz et al. (2009) also suggests the relevance of adding reasoning (i.e., knowledge) into a productivity factor that expresses task or expert approaches. A chart highlighting the three broad areas identified in the new approach model, constructed from loadings reported in Table 5, is shown in Figure 5.

H4. Predictive validity of the assessment center ratings related to ratings from performance appraisal, based on overall ratings, was confirmed according to the Pearson correlation coefficient (R=.28, p<0.05). This value is consistent with the literature (i.e., correlation values range from .41 to .21 (Krause et al., 2006), and
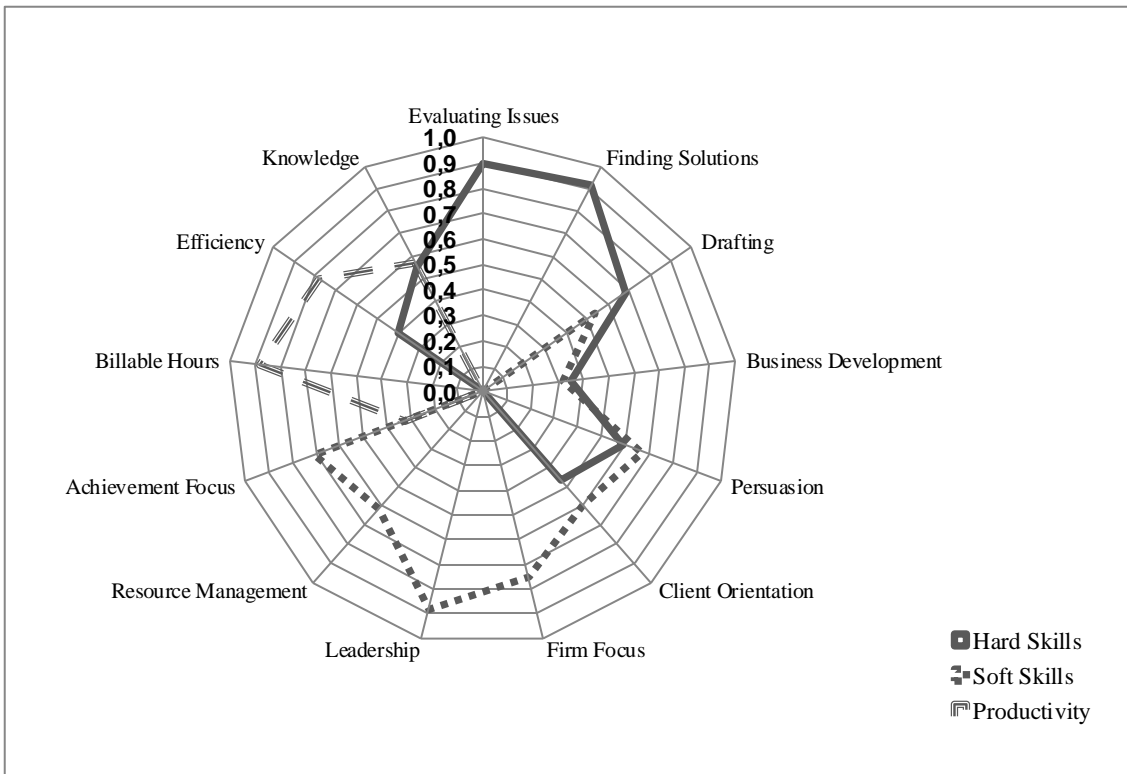
Figure 5. Star Chart Showing Rotated (Varimax) Loadings of a PCA Model Obtained from the New Approach Model.

Notes: Component loadings <.30 omitted. Hard Skills (PCA1) = Evaluating Issues, Finding Solutions, Drafting, Business Development; Soft Skills (PCA2) = Persuasion, Client Orientation, Firm Focus, Leadership, Resource Management, Achievement Focus; Productivity (PCA3) = Billable Hours, Efficiency, Knowledge.

suggests the assessment center is a useful tool for identifying lawyers' performance potential (Table 6). Beyond overall assessment rating, three dimensions correlated with overall performance rating: evaluating issues/finding solutions, drafting/persuasion, and firm focus. This is important because it may allow for the creation of shorter assessment center evaluations for recruitment purposes, thereby reducing costs and time.

Table 6. Pearson Correlations Between Assessment Center and Performance Appraisal Dimensions and Overall Ratings.

	Assessment Center								
Performance Appraisal	1 | 2	4 | 5	6	7	8	9	10	11	14
1. Evaluating Issues	.21	.10	.06	-.13	.17	.22*	.00	.21	.17
2. Finding Solutions	.27*	.16	.02	.03	.23*	.22*	.03	.08	.21
3. Knowledge	.16	.08	-.10	-.02	.14	.11	-.05	.01	.08
4. Drafting	.31**	.17	.05	-.06	.17	.20	.05	.08	.19
5. Persuasion	.35**	.20	.03	.02	.20	.15	.04	.08	.21
6. Client Orientation	.23*	.20	-.01	.10	.21	.06	.00	.05	.16
7. Business Development	.24*	.25*	.04	.32**	.18	.11	.06	.14	.26*
8. Firm Focus	.25*	.21	.02	.15	.21*	.12	.02	.17	.23*
9. Leadership	.14	.20	.19	-.02	.22*	.11	.02	.10	.19
10. Resource Management	.29*	.31**	.14	.03	.14	.23*	.10	.40**	.31**
11. Achievement Focus	.26*	.27*	.07	.12	.23*	.23*	.10	.23*	.30*
12. Billable Hours	.17	.26*	.03	.22*	.23*	.11	.12	.23*	.27*
13. Efficiency	.34**	.19	.01	.02	.21	.19	.12	.19	.25*
14. Overall Rating	.31**	.25*	.05	.08	.25*	.20	.07	.20	.28*

Notes: * $p < 0.05$ (one-tailed); ** $p < 0.01$ (one-tailed).

3.7. Discussion

In the context of fewer career opportunities and restricted access to partnership, identification of the most talented lawyers is critical. Objectivity in lawyer evaluations is important for both management decision support and feedback, making it possible for each lawyer to benchmark talent and manage his/her career (Duarte, 2009). Important decisions concerning lawyer careers cannot be perceived as random (Baden-Fuller & Bateson, 1990) since the most talented lawyers, the firm's critical assets (Collins, 2001; Ready et al., 2010), may resign. Performance appraisals based on top-down evaluations (Scullion et al., 2000) suggest the importance of well-informed management. Partners should be responsible for evaluations of the lawyers with whom they work and should take the leading role in TM. However, biases in performance

ratings prevent appraisals from addressing TM challenges as a unilateral source of information. For practitioners, a talent-management paradox is possible, but the new approach addresses the paradox. We examine and confirm adjustment of a new approach as a leading method for talent identification by integrating contextual information from partners and assessment center external, benchmarkable, objective information, which participants generally accept well (Cascio & Aguinis, 2011). Relying on external assessors with no knowledge of lawyers' backgrounds is an advantage in comparison to other methods used for performance evaluations (e.g., 360-degree feedback) (Meriac, Hoffman, Woehr & Fleisher, 2008).

The large inflation effect of the general performance factor from peer ratings (63%) in comparison to supervisor ratings (33%) (Viswesvaran et al., 2005) may discourage law firms from using 360-degree feedback.

Several authors stress the importance of integrating assessment centers with other HR management practices, or even TM programs, to make them more efficient (Bartram, 2004; Byham, 2001; Lievens & Thornton, 2005). The majority of high-flyers' identification practices combine potential and performance evaluations through Drotter, Charan and Noel (2000) 3x3 matrix model that crosses three levels of performance with three levels of potential, highlighting those who have high ratings of both evaluations (SHL Group, 2008). The primary difference of this model from the one we propose is that crossing performance and potential assumes a double perspective concerning each ratee; the new approach proposes an integrated perspective. We agree that there is a unique contribution of each evaluation method for lawyers' behavioural descriptions, but when it comes to TM, it is more useful to integrate data. The strengths and

weaknesses observed and rated by both internal and external raters overcome the dualistic, difficult-to-manage perspective regarding individual lawyers.

The implication of the new approach to TM in law firms is twofold. First, accurate identification of each lawyer's overall talent is applicable to career advancement decisions, rewards, and most importantly, identification of high-flyers— the most talented lawyers among the pool of high performers. For lawyers, objective feedback regarding performance or talent allows for benchmarking relative values in the firm and enhancing career plans, at the firm or elsewhere. Second, in-depth identification of each lawyer's relative talents (in this study, hard skills, soft skills, and productivity) is applicable to development, talent mapping, team compositions, and diversity analysis. For lawyers, awareness of strengths and weaknesses provides a valuable source of information for personal development, career decision-making, and better fit between strengths and contributions to firm performance. Given the link that may exist between the three broad areas of performance and the three effectiveness factors from Kurz et al. (2009), it might be possible to identify the most probable leadership styles of each senior lawyer. Effectiveness factors can be extrapolated to leadership styles (Saville, MacIver, Hopton & Smith, 2011); promoting change relates to hard skills, working together to soft skills, and demonstrating capability to productivity, which underpin pioneering (growth focused), professional (task focused), and people (people focused) behaviours, three prominent leadership styles. Identification of senior lawyers' leadership styles is valuable to succession planning and decision support related to partnership access.

Notwithstanding the new approach's yearly applicability to HR management decision-making support, we endorse its application particularly for key

moments in law firms' management. Examples include career advancement to senior positions (i.e., senior lawyer or partner), high-flyers' identification that leads to fast-track careers, talent mapping that underlies development practices, team composition, succession planning, and even layoffs. Performance appraisals address annual decisions regarding identification of lawyers who performed better overall and contributed the most to a firm's performance, including identifying underperformers.

This study suggests existence of a general performance factor that supports differentiation of lawyers according to overall talent, and it offers a new approach to talent mapping according to broad areas of performance. These findings substantiate engaging in TM, but also suggest that further empirical research is needed. Future research should address personality characteristics, abilities, and competencies that distinguish high-flyers from a pool of high performers in law firms to construct more comprehensive TM frameworks. Since the dimensions of evaluating issues, finding solutions, drafting, firm focus, leadership, achievement focus, and productivity were relevant to the model, findings suggest their particular importance to talent identification. Conversely, factors contributing to career derailment at law firms are particularly critical.

Evaluating issues/finding solutions, drafting/persuasion, and firm focus assessment center dimensions also correlated with overall performance ratings. A future study should examine whether the assessment center's shorter version is relevant to talent identification during recruitment, and if so, assessment costs might decrease.

A limitation of this study stems from information unavailability regarding each lawyer's talent level, as acknowledged by the firm. This prevented verifying, for example, whether the new approach identifies the most talented lawyers among those

the firm identifies as the most probable future partners. Linked to this constraint is a research opportunity that explores the effects (for both lawyers and firm) and ethical dilemmas (van Buren, 2003) of communicating lawyers' talents. Other limitations derive from the cross-sectional design, sample size/composition, and data collection from only one law firm. A range restriction for the senior-lawyer sample arising from low performers unlikely to be included in the sample probably reduced correlations and consequently the general-performance factor (Sackett & Yang, 2003; Schmidt & Hunter, 2004). To address these limitations, which prevent generalizations, study replications using broader samples, different cohorts, and additional firms are needed.

A strength of this study is that performance appraisal and assessment center processes were conducted regarding the law firm's management decision-making, not research purposes. We highlight this fact since empirical findings concerning building TM are lacking. We are able to consider the importance of this study that pioneers TM research in law firms. In the future and with more evidence of its importance, the new approach will be integrated into a law firm TM framework that supports practices capable of fostering lawyer performance and consequently organizational performance (Greenwood et al., 2007).

3.8. Conclusion

Increased importance of talent identification for business sustainability and long-term success made TM a popular topic among law firms, though empirical studies are few. This study (we are unaware of other empirical studies of TM in law firms) supports introduction of a new approach that consists of averaging performance appraisals and assessment center ratings into a law firm TM framework that reveals and

manages up-and-coming talent. Strategic HR practices such as career management, development, talent mapping, high-flyers' identification, succession planning, team composition and diversity analysis may be informed by this method and benefit from objective and accurate information regarding lawyer talent. Differentiation of lawyers according to overall talent is acknowledge by the existence of a general performance factor and evidenced in this study of evaluation ratings. This paper confirms the utility of using assessment centers for early identification of talent during recruitment.

Chapter 4

Is Talent Enough Stable To Be Predicted?

A Longitudinal Study of Lawyers' Appraisals

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Q2 - Scimago Journal & Country Rank in Organizational Behaviour and Human Resource Management;
Q2 in Business, Management and Accounting (SJR = 0.59 in 2015).
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Alumni Edition/Complete/Government Edition/Corporate/Corporate Plus/Elite/Premier, Cabell's
Directory of Publishing Opportunities in Management and Marketing, Corporate Resource Net, Current
Contents/Social & Behavioural Science, Education Research Complete, Education Source, Emerald
Reviews (formerly Anbar), ESSEC Business School, European Index of Management Periodicals, Focus
on: Industrial & Organizational Psychology, Genamics, Health Business Elite, Helecon, Human Resource
Abstracts, ISI Alerting Services, Magazine Search, Management & Marketing Abstracts, Peace Research
Abstracts, Personnel Management Abstracts, PsycINFO, ReadCube Discovery, Research Alert, SCIMA,
Social Science Citation Index, Social SCISEARCH, Scopus, Studies in Women Abstracts, Technical
Education & Training Abstracts, TOC Premier (EBSCO), Work Related Abstracts; **and ranked
by**: Association of Business Schools (ABS) Academic Journal Quality Guide - 2 Ranking, AERES
(France), Australian Business Deans Council (ABDC) Quality Journal List - A Ranking, BFI (Denmark),
CNRS (France), ESSEC (France), FNEGE (France), JourQUAL 2.1 (Germany), NSD (Norway), Scopus,
The Publication Forum (Finland), Thomson Reuters (ISI).

In the following pages a paper that pioneers talent predictive models for law firms is presented. In the research framework, presented below, the elements comprised in the study are highlighted. 140 lawyers from a Portuguese law firm were comprised in the sample. A cross-sectional design was applied for principal component analysis of each of the eight years of appraisals, addressing the differentiation of talent levels (high performers and peers). A longitudinal design was used for addressing the stability/dynamism of performance rankings and talent prediction. A linkage with performance appraisal systems baking up career decision-making is established. Avenues for tailor made careers are opened.

Talent Management and Legal Profession Theories
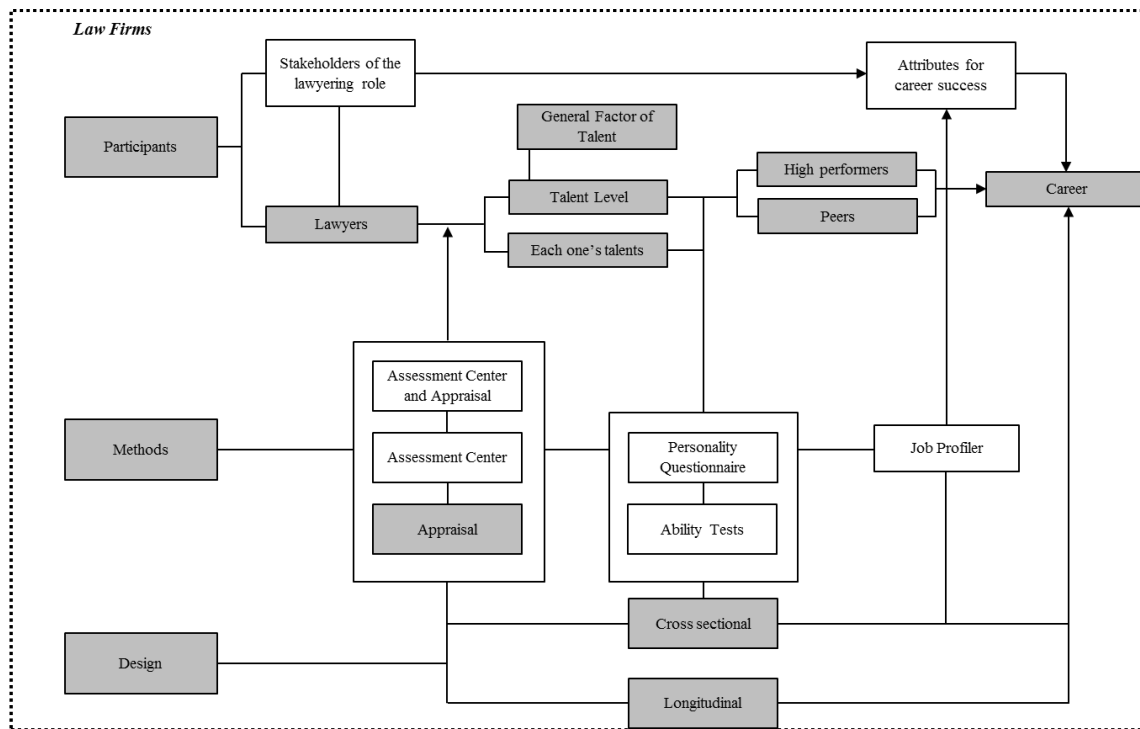
Figure 6. Research Framework, Highlighting the Elements Approached in Paper 2.

4.1. Abstract

Purpose – Proposing a predictive model for law firms, this study evidences substantive existence of talent and whether performance is sufficiently stable to be predicted.

Design/methodology/approach – Eight years of appraisal ratings were drawn from a law firm, comprising a sample of 140 lawyers. Principal component analysis addressed the substantive existence of talent, and statistical analysis was performed to address the stability of performance rankings. Recursive feedforward neural networks were used to model and simulate performance rankings over time.

Findings – A general factor of performance was extracted from appraisal ratings, suggesting substantive existence of talent. Stability of performance rankings was supported, particularly among the most senior and tenured lawyers. The adjustment of the predictive model for performance rankings' prediction was confirmed.

Research limitations/implications – This study contributes to TM literature regarding law firms, and adds to longitudinal research concerning performance prediction, which is scarce. Generalizability requires broader samples and replication.

Practical implications – Talent prediction enables extended intervals for performance appraisal and early identification of talent, and avenues for tailored careers according to talent are open.

Originality/value – This study pioneers longitudinal research that develops predictive models for TM in law firms. Its methods extend beyond static research of performance by including non-linear modelling for simulation and talent prediction.

4.2.   Introduction

The millennium ushered a new-normal economic juncture (Davis, 2009) that challenged law firms' patterns of annual-percentage revenue, double-figure increases (SenGupta, 2012). An unusual drop in demand, lower rates, and less commitment from clients required new business paradigms, and greater profitability and efficiency (Muir et al., 2004; Stumpf, 2007b). Comprised of knowledge workers (Drucker, 1959), firms identified talent as a differentiator of recession survival (Cappelli, 2000; Gallardo-Gallardo et al., 2013; Ready et al., 2010). A new TM paradigm was created to attract, retain, and develop the most talented—high-performing lawyers—since talent mean high performance in law firms (Brittain, 2005). Despite the shift to TM, the law-firm career model, supported by annual rankings of lawyers' performance, remains broadly the same, and the old career approach, dating to the mid-19th century, remains dominant (Pinnington, 2011). It was introduced by Cravath to create continuous renewing of the workforce. From admission into a firm to partnership, a lawyer's performance is ranked annually against peers, regardless of previous appraisals or talent acknowledgment. High-performing lawyers are entitled to career advancement to the next career rung and the highest bonuses, and average and low-performing lawyers remain at the same professional level, or are counseled out, with replacements vetted through recruitment of trainees from law schools. A paradox arises. TM emphasizes the substantive existence of talent, supporting differentiation of lawyers according to talent, and recommends identification (i.e., prediction) of the most talented in the long-term (Collings & Mellahi, 2009). The traditional career path, though supported by performance rankings for talent differentiation, is substantiated by an annual rite of appraisal and rewarding in the short-term, disregarding talent

acknowledgement. Studies addressing this paradox are non-existent. Although TM literature proliferates, empirical research that links TM to practices that drive career, such as appraisals, is lacking. Addressing performance using longitudinal designs is crucial but rarely used because data are difficult to collect and methodological challenges are common (Sturman, Cheramie & Cashen 2005). We fill this gap by analysing the outcomes of 8 years of appraisals that drive law firms' career paths.

Taking a step forward and answering calls to apply simulation models to assess performance and career forecasts (Savickas et al., 2009), we propose a talent predictive model that is supported by a feedforward neural network, a methodology originally used in exact sciences and engineering fields. We argue for the substantive existence of talent and sufficient stability of performance (i.e., talent) to be predicted, which provide a basis for renewal of a career model regarding TM.

4.3. Talent Management in Law Firms

Disparate approaches to talent are described by scholars and applied in organizations, from the elitist approach that suggests talent is possessed by a few gifted people (Boudreau & Ramstad, 2005; Collings & Mellahi, 2009) to the inclusive approach that highlights the talents of all people (Buckingham & Vosburgh, 2001; Yost & Chang, 2009). The elitist approach is used by most international and big law firms, valuing a small percentage of high performers to whom 10% to 26% of productivity is attributable, and that assists firms moving forward (Gagné, 2004; O'Boyle & Aguinis, 2012; Ulrich & Smallwood, 2012). The approach fits well with the partnership model, restricted to a 10% minority and linked to elitism and excellence (Malhotra et al., 2010; Muzio, 2004; Wilkins & Gulati, 1998).

As the firms grew and new-millennium economic challenges arose, HR departments supported partners by bringing more objectivity to promotion decisions in firms with hundreds of lawyers (Mottershead, 2010), and TM was a new paradigm that provided guidance for this purpose. To support TM, law firms applied performance appraisal processes that were backed up by forced-distribution ranking systems. Distributions were adapted from the normal/gaussian curve, allowing the ranking of individuals into performance rankings (e.g., 20%–70%–10%), talent levels, or the well-known designation of A, B, and C players (Collins, 2001; Guest, Conway & Dewe, 2004; Ready et al., 2010; Welch & Welch, 2005). Performance was ranked by considering overall appraisal ratings that consisted of the average of a broad range of hard and soft skills that lawyers must possess to thrive in the new millennium (Lopes, 2016). According with exclusive TM approaches, differentiation of performance rankings (i.e., overall appraisal rating) took priority over identification of each lawyer's talents (i.e., ratings of each hard and soft skill) (Mottershead, 2010).

4.4. The Substantive Existence of Talent

The exclusive TM practice of ranking individuals according to overall performance found support in the substantive existence of talent. Accordingly, individuals were found to possess different talent levels, and the most talented were described as outperforming peers in all dimensions of performance (Aguinis et al., 2012; Axelrod et al., 2002; Welch & Welch, 2005). This trend of knowledge found empirical support regarding evidence of one broad apex of performance, summarizing all of its dimensions—the general factor of performance (Hoffman & Woehr, 2009). The factor has been evidenced through principal component analysis of ratings,

resulting in a broad, single factor that explains about 60% of variance, followed by a

sharp drop (Ones, Viswesvaran & Dilchert, 2005). According to Hulin (1982), the

general factor of performance results from positive correlations among skills that are

underlined by cognitive abilities and personality traits (Costa & McCrae, 1988; Judge,

Higgins, Thoreson & Barrick, 1999) that are stable in adulthood. Guilford (1954)

identified the factor initially, and meta-analyses from Sutton, Baldwin, Wood and

Hoffman (2013), and Viswesvaran et al. (2005), combined with a hierarchical

confirmatory factor analysis from Hoffman, Lance and Gentry (2010), confirmed it.

Lopes, Sarraguça, Lopes and Duarte's (2015) study of senior lawyers revealed a general

factor, both on appraisal and assessment center ratings, which enlightened the

emergence of the factor both from partners' ratings and simulation exercises rated by

experienced consultants. The study corroborated the emergence of a general factor of

performance using disparate evaluation methods, beyond rating biases, which have been

suggested as an alternative explanation for a factor's emergence (Kenny & Berman,

1980; Hoyt & Kerns, 1999). We argue for the substantive existence of talent, allowing

lawyers' differentiation according to different talent levels. A large, general factor on

which all dimensions of competency load is expected from appraisal ratings. Therefore:

> *H1*: A general factor of performance, encompassing about 60% of variance,
is expected in appraisal ratings.

4.5. Talent Stability and Prediction Over Time

Talent (or performance) prediction is essential in organizations and central

to informing TM (Cascio & Aguinis, 2011; Hinds, Carley, Krackhardt & Wholey, 2000;

Sonnentag & Frese, 2012). Identification of the most talented for the long-term links

directly with prediction. Law firms, for example, struggle with identifying the most talented trainees direct out of law school. Recruitment has been supported by use of assessment tools, such as ability tests and personality questionnaires that demonstrate validity with predicting performance over time (Tziner, Ronen & Hacohen, 1993). Surprisingly, the law firm career model does not incorporate performance predictions. The paradox between following a TM approach that highlights the existence of a group of the most talented lawyers and a career path backed by annual performance rankings, disregarding the existence of such groups over time, is common. This is even more surprising since recent but profuse literature demonstrates that dynamic performance is sufficiently stable to be predicted (Hofmann, Jacobs & Gerras, 1992; Hofmann, Jacob & Baratta, 1993; Sonnentag & Frese, 2012; Stewart & Nandkeolyar, 2006; Thoresen, Bradley, Bliese & Thoresen, 2004). Both stability and dynamism (i.e., lack of stability) occur because performance is underlined by attributes that are stable over a lifetime, such as cognitive ability and personality, and is influenced by job knowledge, job experience (Schmidt, Hunter & Outerbridge, 1986; Sturman, 2003), and motivation (Kanfer, 1992) that underscore performance dynamism. The predictive validity of measures of performance decreases over time due to the dynamic dimension of performance (Austin, Humphreys & Hulin, 1989; Barrett, Caldwell & Alexander, 1989; Ployhart & Hakel, 1998; Rambo, Chomiak & Price, 1983), but the correlation over any period remains positive, pointing to a stable dimension (Ackerman, 1987; Henry & Hulin, 1987; Murphy, 1989). Studies on job performance using appraisal ratings have reached the same conclusions. Considering meta-analytic results, Sturman et al. (2005) evidence rating stability over a one-year period, ranging from .85 to .67. Alessandri and Borgogni (2015) also found a high degree of rating stability over a four-year period.

Concerns performance rankings, Schmidt et al. (1988) verify that initial differences among high and low performers remain constant over time, suggesting performance stability and that performance rankings do not vary significantly. Drawing from this evidence, we argue that performance rankings (or talent levels) are stable. Therefore:

> *H2:* Lawyers' performance rankings are stable.

In law firms, the career path evolves from junior to middle and then to senior levels. Lawyers are integrated into professional levels according to number of post-qualification years, the number of years of experience after the bar examination, which ties directly with experience and age. Tenure also relates to professional level because several lawyers are groomed in firms. The growing number of lateral hires in law firms makes tenure a relevant, temporal variable on its own, along with professional level. The youngest and least-tenured individuals have the lowest performance stability over time, in line with the learning phase of Murphy's (1989), and Kanfer and Ackerman's (1989) models. According to the models, during the learning phase, performance follows an ascendant learning curve. The selection, optimization, and compensation theory from Baltes and Baltes (1990) corroborates the idea that young individuals devote more resources at the beginning of their careers, and then enter a maintenance phase during which the learning curve stabilizes. The same applies to recently admitted individuals. Lawyers on the career track are in a learning, developmental, or growth phase (e.g., junior lawyers and new comers), or are in a maintenance phase (e.g., middle and senior lawyers, and those with more tenure). We therefore expand H2 to address performance stability according to professional levels and tenure in law firms:

> *H2a*: Senior lawyers' performance rankings are the most stable.

H2b: More tenured lawyers' performance rankings are the most stable.

4.6. Proposed Predictive Model

The last claim above relates to the sufficiency of talent stability to allow prediction, and we propose an original model of lawyer performance rankings' prediction over time. Drawing on long-held knowledge regarding past performance being the best predictor of future performance (Sturman, 2007), the first predictor included in the model consists of initial performance rankings. Two additional predictors in the model are professional level and tenure, variables of major relevance to career in law firms, and temporal variables frequently integrated in extant studies of job performance (Ackerman, 1992; Farrell & McDaniel, 2001; Tesluk & Jacobs, 1998). The fourth and last predictor is billable hours. The number of billed hours worked by each lawyer for each year is of particular importance to firms' financial performance, making it a criterion of individual appraisal and clearance (Campbell et al., 2012; Mottershead, 2010). Since we use an exploratory approach, hypotheses that suggest the amount of prediction expected by the model, and by each of the predictors, are not endorsed. We expect that the proposed model will adjust for prediction of lawyers' performance rankings over time. In line with extant findings, we expect a decrease in model prediction over time (Austin et al., 1989; Barrett, Caldwell & Alexander, 1985, 1989; Ployhart & Hakel, 1998; Rambo et al., 1983).

4.7. Methods

4.7.1 Setting and Data

A sample was drawn from one of the largest Portuguese law firms. Individual difference data were collected from the firm's administrative records on 140 lawyers, and data comprised the interval from 2008 to 2015 (Table 7).

4.8. Measures

4.8.1. Professional Level

Professional level ranged from junior=1 through middle=2 to senior=3 levels. In the law firm, career progression linked with both experience and performance, and consequently, the number of years at each professional level varied across individuals.

4.8.2. Organizational Tenure

Tenure for each of the 8 years of appraisal was calculated considering the admission date in the firm. Four levels of tenure were computed: 1=fewer than 2 years, 2=2 and 3 years, 3=4 and 5 years, and 4=6 or more years.

4.8.3. Performance Appraisal Ratings and Billable Hours

Lawyers' performance was rated by partners using a skills-based framework that included hard (i.e., knowledge and solutions, communication and drafting, and client orientation) and soft skills (i.e., business development, firm focus, leadership, resource management, and achievement focus). Ratings for each skill were calculated by averaging sub-items that used a 5-point, behavioural-observation rating scale (Christ

Table 7. Performance Appraisal Sample Demographics (N = 140).

	Appraisals per year							
	2008	2009	2010	2011	2012	2013	2014	2015
Performance Ranking								
Low performance	7	11	12	4	2	1	2	2
Average performance	29	30	30	36	37	34	43	38
High performance	23	26	25	22	23	26	27	26
Very high performance	11	13	14	12	18	22	20	15
Total	**70**	**80**	**81**	**74**	**80**	**83**	**92**	**81**
Professional Level								
Junior	16	15	16	14	16	11	13	8
Middle	34	38	32	29	24	30	35	26
Senior	20	27	33	31	40	42	44	47
Tenure								
< 2 years	20	9	8	9	12	10	17	1
2-3 years	17	29	23	11	13	16	14	18
4-5 years	10	15	18	25	18	11	16	16
≥ 6 years	23	27	32	29	37	46	45	46

& Boice, 2009), anchored by behaviour frequency. Overall appraisal ratings were computed by averaging (i.e., arithmetic mean) all ratings of evaluated skills. Billable hours were rated using the same 5-point rating scale, and calculated using the percentage of accomplishment according to lawyers' target working hours. Although additional partners joined the partnership throughout the 8-year period, the head of each practice area, responsible for appraisals, remained constant.

4.8.4.   Performance Rankings

A forced distribution ranking system was used by the firm for differentiation of lawyers according to overall performance, or talent levels: 4=very high performance, 3=high performance, 2=average performance, and 1=low performance. An adapted

distribution from the normal/gaussian curve was used to rank lawyers according to overall appraisal ratings (20%–25%–50%–5%), by professional level (i.e., junior, middle, senior). This procedure is common in law firms and organizations across disparate industries (Welch & Welch, 2005).

4.8.5. Performance Stability/Dynamism

Since ranking of lawyers' performance is central to informing the career model in law firms, we address performance stability as the maintenance of the rank-ordering of performance rankings over time. Verification of the stability/dynamism (i.e., maintenance, increase, or decrease) of each lawyer's performance ranking over time is consistent with the most frequent ways of addressing performance dynamism in the literature, comprising the change of: 1) rank-ordering of ratings, 2) each individual's average rating, 3) average performance of a group of individuals, and 4) validity of predictors (Sturman, 2007).

4.9. Analysis

H1 refers to the emergence of a broad, general factor of performance in appraisal ratings. Ratings from each of the 8 years were analysed using principal component analysis (PCA). Evidence of a general factor was tested by analysing the principal components extracted from the PCA model from each of the 8 years. Eigenvalues greater than 1 were used as the criterion for component extraction. H2 suggests that performance rankings are stable over time, and H2a and H2b expand the hypothesis by suggesting contributions from professional level (H2b) and tenure (H2b) to further explain the stability of performance. The most senior and tenured lawyers are

hypothesized to have the most stable performance rankings. Analyses of frequencies using the cross-tabulation of variables were used to test H2 and the expanded hypothesizes H2a and H2b. The percentage of cases that maintained, increased, or decreased performance rankings according to initial performance rankings (H2), professional level (H2a), and tenure (H2b) were calculated for all occurrences, from 1-year lag to 7-year lag.

4.9. Proposed Predictive Model

The proposed model for performance ranking prediction uses mathematical structure resourcing to feedforward neural networks (FNN), including the back-propagation optimization algorithm (Jin & Gupta, 1999). This method was used since this type of neural network adjusts to data and simultaneously captures non-linear relationships. The mathematical model architecture is recursive, allowing integration of time-varying dynamics of the temporal variables of professional level and tenure over time. When predicting the performance rankings over a lag of more than one year, the model works with the simulated variables over time. The performance ranking for the next period is the output of the FNN. FNNs are trained (i.e., parameter adjusted) resourcing to the back-propagation method (Levemberg-Marquardt algorithm) (Jin & Gupta, 1999). Implementation of FNN considers the predictor the initial performance ranking (1 to 4), and the output is the predicted ranking for the next period (1 to 4). Thus, dynamic configuration of the neural network was required (Gupta, Jin & Homma, 2004; Pearlmutter, 1990). The dynamic configuration, which influences the training and simulation algorithms, considers that for each lawyer, the network input performance ranking for year T+ΔT is the predicted performance ranking for year T. The network

can therefore be simulated over time, without inputting performance rankings, except for the rankings corresponding to the first year (i.e., initial condition).

Independent simulations are required for individuals in the database. Different time periods were considered when building the FNNs (from $\Delta T=1$ to $\Delta T=6$ years). All neural networks were calibrated considering approximately 70% of lawyers in the database, and tested independently on the remaining 30%. Early stopping training procedure was implemented to avoid overfitting (i.e., the method resources uniquely on the calibration dataset). The network architectures were standard 3-layer, with one input, one hidden (i.e., hyperbolic tangent function), and one output layer (i.e., linear function). The number of nodes in the hidden layer was optimized using cross-validation. All calculations were performed with the neural network toolbox for MATLAB version 8.6 (Beale, Hagan & Demuth, 1992).

4.10. Results

H1 suggests that a general factor of performance emerges from appraisal ratings. This was tested by analysing principal components. Results suggest emergence of a primary and broad general-performance factor in ratings of models over the 8 years (Table 8).

All skills loaded on a general factor of performance, explaining from 58.4% to 78.1% of the variance for appraisal ratings, supporting H1. A decrease in the magnitude of the factor since 2011 was likely related to raters' training, introduced by the firm to minimize biases, such as the halo effect, range restriction, and leniency that inflated factors during previous years (Viswesvaran et al., 2005). A sharp drop after the first factor is highlighted in a scree plot (Figure 7). Extraction of a general factor of

performance from all the models suggests a substantive, general factor of high

magnitude, allowing differentiation of lawyers according to levels of talent.

Table 8. Principal Component Analysis Model Obtained from Appraisal Ratings.

	2008	2009	2010	2011	2012	2013	2014	2015
	PCA1	PCA1	PCA1	PCA1	PCA1	PCA1	PCA1	PCA1
Skills	71.8%[a]	78.1%[a]	71.4%[a]	61%[a]	58.2%[a]	59.9%[a]	59.7%[a]	58.4%[a]
Knowledge and Solutions	.877	.908	.905	.862	.805	.819	.739	.782
Communication and Drafting	.830	.888	.902	.840	.778	.879	.817	.736
Client Orientation	.811	.937	.921	.858	.845	.747	.761	.789
Business Development	.765	.771	.708	.518	.798	.785	.695	.643
Firm Focus	.839	.877	.881	.759	.656	.653	.791	.689
Leadership	.819	.847	.593	.627	.478	.538	.707	.554
Achievement Focus	.908	.936	.923	.889	.861	.892	.893	.838
Resource Management	.918	.899	.868	.819	.810	.818	.763	.721

Notes: PCA1: first principal component; [a] Percent of retained variance.

Results of cross-tabulation confirmed that performance rankings were stable

over time, confirming H2 (Table 9). Stability, in the sense of maintenance of

performance rankings, in 1-year lags ranged from 58% for lawyers at the low-

performing level (where turnover was highest) to 79% for lawyers at the average

performance level. In between, 61% and 70% of performance maintenance was

displayed, respectively, by lawyers at high and very high performance levels. From 2-

year lags forward, very high performers had the most stable performance rankings, this

is, the group of most talented lawyers remained stable over time (Figure 8).

Thus, maintenance of performance rankings was found, corroborating

Schmidt, Hunter, Outerbridge and Goff (1988) regarding longitudinal maintenance of

initial differences between high and low performers. Except for the group of most

talented lawyers, maintenance of performance rankings decreased over time, according with extant evidence (Alessandri & Borgogni, 2015).
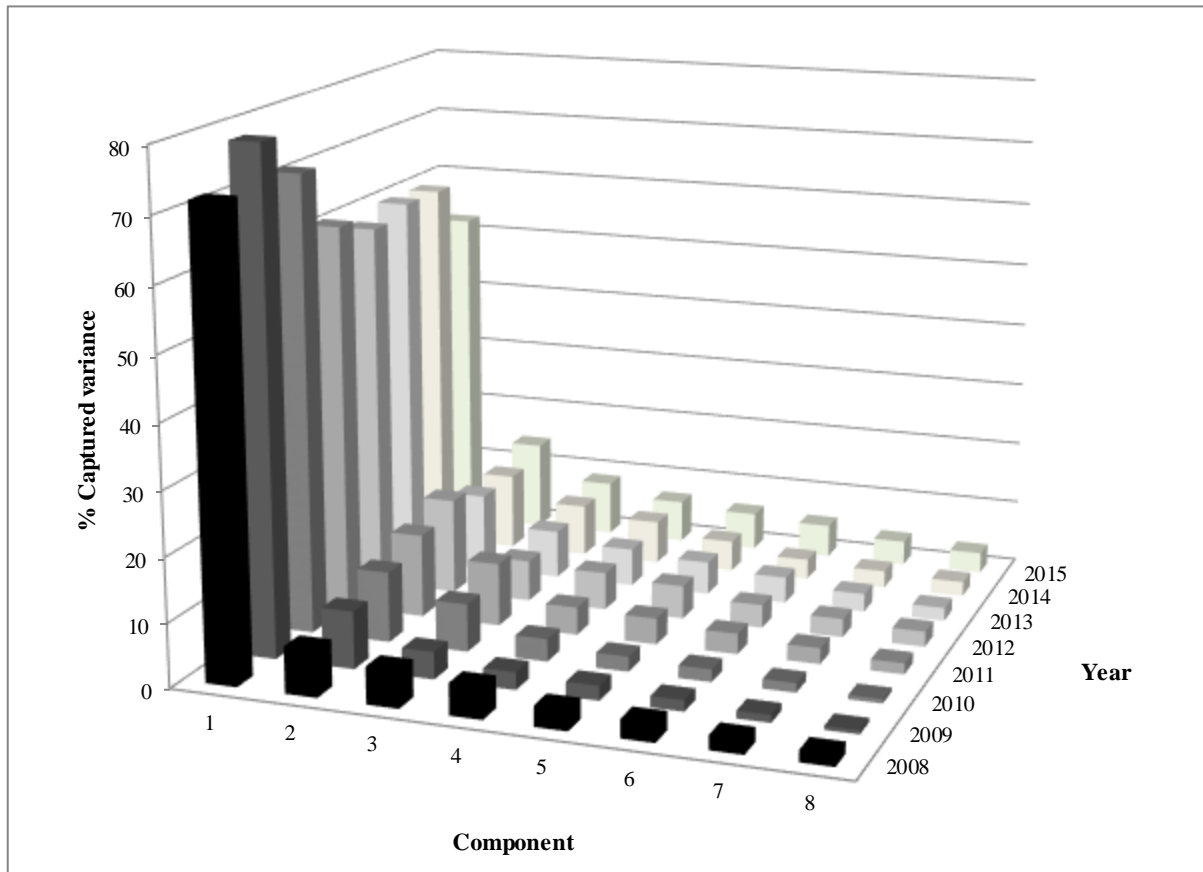
Figure 7. Principal Components Extracted from Appraisal Ratings (2008 to 2015).

Professional level associated with performance ranking stability, supporting H2a; senior lawyers had the most stable performance rankings over time (Figure 9). Assessing 1-year lags, senior lawyers again had the most stable performance rankings at 75%, decreasing to 62% of maintenance under the 7-year lag. Middle lawyers had the next highest maintenance scores, and junior lawyers the lowest, ranging from 64% of maintenance to 21%. Juniors' rankings increased more than decreased (Table 9), consistent with models that assess faster learning, investment, and development in junior career phases (Murphy, 1989; Kanfer & Ackerman, 1989).

Table 9. Lawyers' Performance Rankings Maintenance, Increase and Decrease Over Time by Performance Ranking, Professional Level and Tenure.

	1 Year Lag Time				2 Year Lag Time				3 Year Lag Time				4 Year Lag Time				5 Year Lag Time				6 Year Lag Time				7 Year Lag Time			
Performance Ranking	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓
Low performance	26	58	42	-	12	25	75	-	8	13	88	-	7	29	71	-	5	20	80	-	3	0	100	-	1	0	100	-
Average performance	217	79	15	6	156	72	21	7	115	69	28	3	77	65	32	3	51	61	35	4	31	55	39	6	14	50	43	7
High performance	155	61	19	21	117	56	19	26	85	54	25	21	63	48	27	25	41	56	22	22	25	52	16	32	13	62	8	31
Very high performance	99	70	-	30	73	73	-	17	50	80	-	20	35	80	-	20	25	80	-	20	14	79	-	21	4	100	-	0
Total	497	70	15	15	358	65	18	17	258	64	23	12	182	60	26	14	122	61	25	13	73	56	26	18	32	59	25	16

	1 Year Lag Time				2 Year Lag Time				3 Year Lag Time				4 Year Lag Time				5 Year Lag Time				6 Year Lag Time				7 Year Lag Time			
Professional Level	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓
Junior	87	61	26	13	56	64	25	11	43	56	40	5	30	40	53	7	22	41	55	5	14	21	64	14	8	50	38	13
Middle	198	69	15	16	148	61	22	18	110	59	25	15	83	61	23	16	57	63	18	19	38	63	13	24	16	63	19	19
Senior	212	75	10	15	154	70	11	19	105	73	14	12	69	68	17	14	43	70	21	9	21	67	24	10	8	63	25	13

	1 Year Lag Time				2 Year Lag Time				3 Year Lag Time				4 Year Lag Time				5 Year Lag Time				6 Year Lag Time				7 Year Lag Time			
Tenure	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓	#	=	↑	↓
< 2 years	78	65	19	15	55	62	16	22	37	57	30	14	24	54	33	13	17	35	41	24	12	33	33	33	8	50	25	25
2−3 years	110	70	15	15	74	62	23	15	56	63	29	9	41	54	34	12	31	68	29	3	20	45	40	15	8	50	25	25
4−5 years	92	64	21	15	67	58	27	15	52	48	35	17	39	59	28	13	24	67	17	17	14	57	21	21	6	67	33	0
≥ 6 years	217	74	11	15	162	71	12	17	113	75	13	12	78	67	18	15	50	64	22	14	27	74	15	11	10	70	20	10

Notes: # Occurrences; = Performance ranking maintenance (%); ↑ Performance ranking increase (%); ↓ Performance ranking decrease (%).

Figure 8. Lawyers' Performance Rankings Maintenance Over Time by Performance Rankings.
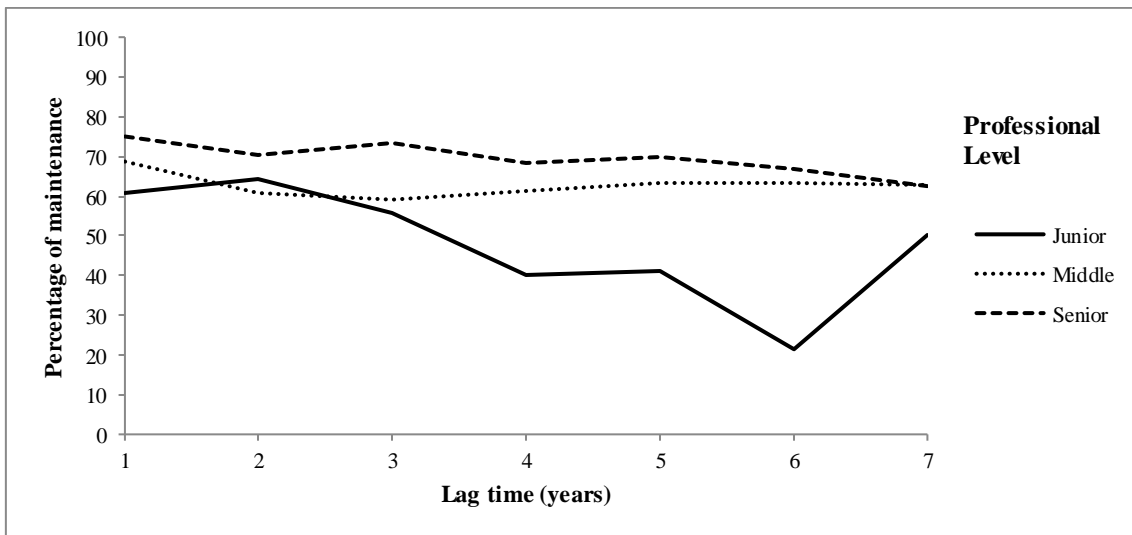
Figure 9. Lawyers' Performance Rankings Maintenance Over Time by Professional Level.
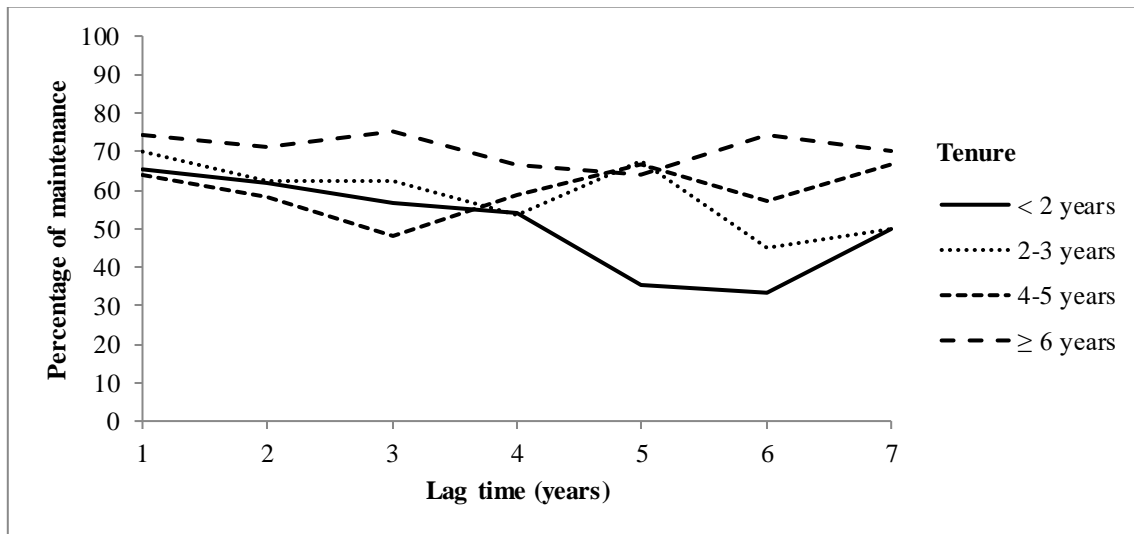
Figure 10. Lawyers' Performance Rankings Maintenance Over Time by Tenure.

Findings for tenure (Figure 10) emphasize the role of apprenticeships and socialization in organizations (Baltes & Baltes, 1990). For example, supporting H2b the most tenured lawyers (i.e., 6+ years of tenure) had the highest maintenance scores, rangin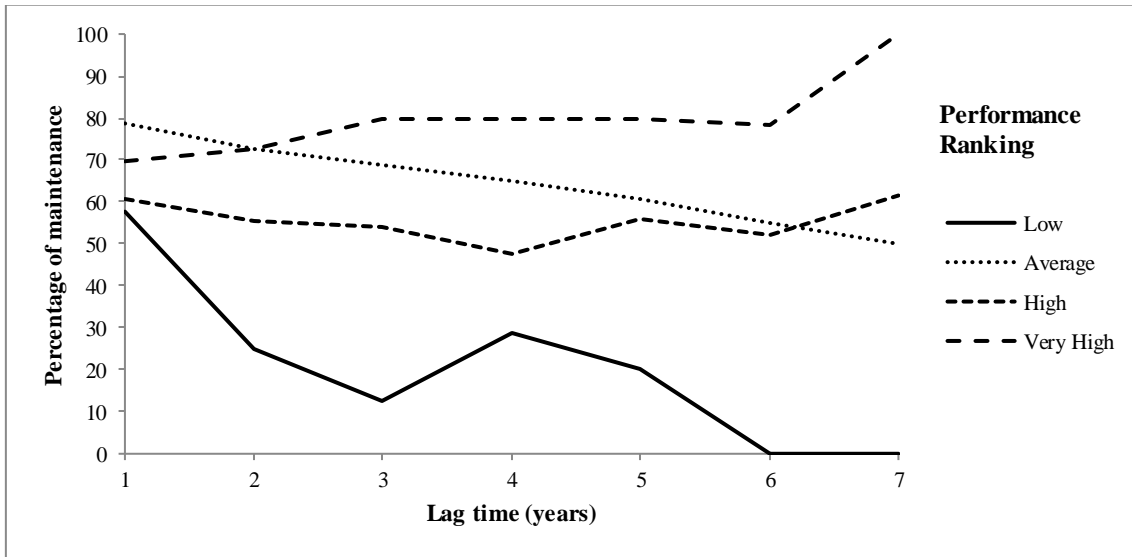g from 75% to 64%. The newcomers, or lowest tenured group, had the lowest maintenance scores, ranging from 65% to 33%. Different from juniors, they did not increase their performance rankings.

The FNN considered initial performance rankings (1 to 4) as input, and the performance rankings at each of the lag times (1 to 6) as output. Considering $\Delta T=1$ year, a 3-node, hidden-layer network yielded a rate of correct predictions that considered test data of approximately 74%; in situations in which rankings changed, the model predicted 3 of 4 situations correctly. This was the situation for a $\Delta T=1$ year. Increasing lag time, no substantial differences were observed until $\Delta T=4$ years, at which the rate of correct predictions decreased to about 50%, which is non-significant, or similar to a random prediction (for which about 50% probability of correct predictions is expected). Thus, the node's hidden-layer topology was found optimal (Table 10).

Considering the extremes, when the lag was 1 year, the network predicted 71% of all

situations, and when 6 years, the network was less reliable, reducing correct predictions

to 57%. Reduction of occurrences precluded analysis of a 7-year lag. The more

important reduction of prediction was observed between lags 2 and 3 years, at which a

reduction of 5% was found. Regarding the relevance of inputs (assessed using

sensitivity analysis), they can be ordered in terms of decreasing importance after

performance rankings, which was found to be the most relevant input for the network at

all the lag times considered: billable hours, tenure, and professional level.

Table 10. Summary of the Predictions Obtained for a Dynamic Feedforward Neural Networks Resourcing.

		Prediction lag time (years)					
Input Variable ID	Variable	1	2	3	4	5	6
1	Tenure	++	+	+	0	-	-
2	Professional Level	+	+	0	0	-	-
3	Billable Hours	++	++	++	+	+	0
4	Performance Ranking (year 0)	+++	+++	+++	+++	+++	+++
Performance Ranking correct predictions (Training/Validation)		74%	71%	65%	66%	64%	58%
Performance Ranking correct predictions (Testing)		71%	67%	62%	63%	63%	57%

Notes: Categorical symbols were assigned to the observed sensitivity, 0 poor relevance to +++ highly
relevance; - non relevant.

4.11. Discussion

Law firms have been emphasizing TM for sustainability, but this new paradigm is far from being implemented fully. More sophisticated practices have been applied, such as assessment tools for recruitment purposes, skills-based frameworks and forced-distribution ranking systems that corroborate appraisals, but the annual rite of rankings for career decision-making remains regardless of talent acknowledgement. Prediction of talent is a mirage. This study pioneers a longitudinal approach to TM in the legal profession, and contributes to overcoming the talent–performance paradox by adding empirical evidence of the substantive existence of talent, and on the stability of performance (or talent) over time. An innovative model of talent prediction over time is proposed. In combination, contributions of this study encourage novel practices with profound influences on law firms' career models regarding TM.

According to results and in line with Meyers et al. (2013), talent has substantive existence and is sufficiently stable over time to be predicted. Corroborating Schmidt et al. (1988) regarding maintenance of initial differences between high and low performers over time, stability of performance rankings was found. Consistently with long-held knowledge regarding the major role of past performance in future performance's prediction (Sturman, 2007) the best predictor in the current model was initial performance ranking.

This does not preclude performance from changing over time. Three other predictors were relevant to the model, in decreasing order of importance: billable hours, tenure, and professional level. Results fit the claim that although performance is stable, when fitting well-documented stability of cognitive ability and personality traits underlying performance (Costa & McCrae, 1988; Judge et al., 1999), dynamism also

occurs, particularly during learning phases. According to learning theories from Murphy (1989), and Kanfer and Ackerman (1989), who suggest enhancement of skills and performance through experience and knowledge, current results reveal stable performance rankings among both the most senior and tenured lawyers, integrating maintenance phases. Junior lawyers and newcomers integrate a learning phase, during which performance rankings change more often. Motivation for thriving early in a career (Baltes & Baltes, 1990) might also play a role in increasing and consequently changing performance rankings of junior lawyers. The likelihood of increasing performance rankings was not higher among low-tenured lawyers. An increase in performance ranking linked with an increase in billable hours, and the reverse also applied. This evidence accords with Lopes et al.'s (2015) findings related to a strong correlation between number of billable hours and overall appraisal ratings. The most talented lawyers produce more billable hours because clients and partners solicit them more often.

Adjustment to the current model allows upholding extended intervals of time between performance rankings, particularly until 2 predictions are in the range since predictions reduced only 5% at the 3-year lag. Ranking lawyers annually is time-consuming and redundant, particularly at senior levels and for those with the most tenure. The current model can instead be used for signposting lawyers whose performance rankings are likely to change, allowing closer examinations of performance. Instead of spending time each year comparing all lawyers' performance for identification of talent that firms already know or can predict, partners might benefit from additional time spent supporting lawyers managing their own talents and careers. Promoting lawyers' awareness and addressing development strategies for increased

performance and preparing lawyers for additional challenges along the career path are much more important than ranking performance in a range. Feedback in relation to each appraisal criteria, in-depth of each lawyer's talents, would be of great value, rather than feedback of overall appraisal ratings and talent levels.

The most talented lawyers had the most stable performance rankings over time. Conversely, prediction scores did not decrease over time. Evidence points to the possibility of their identification early in their career, which is a major finding that influences the career model. Firms do not need to wait for full evolution of the career track to identify tournament winners. These lawyers can be identified early, and might benefit from support by developing required skills for future managerial roles. Managing and developing each lawyer, particularly the most talented ones, are worth implementing to ensure business readiness, which requires integrating an exclusive approach to talent that prioritizes the role of the most talented lawyers with an inclusive approach that supports development of all lawyers' talents. A career path tailored according to talent, including individualized targets and development programs, might be promising. This is worth trying for career advancement of TM, and might constitute the goal for outperforming competitors in the long-term.

4.11.1. Limitations and Future Research

A first limitation stems from data collection from only one firm, which precludes generalization of results because of common method variance, an influencer of contextual factors on measures that causes systematic covariation (Podsakoff, MacKenzie, Jeong-Yeon & Podsakoff, 2003). Thus, replication with additional firms is necessary to allow generalization. Broader samples are required to address the second

limitation—high turnover in the sample. Turnover is highest among knowledge

workers, such as lawyers (Somaya & Williamson, 2008), causing range restriction when

performance is analysed over time (Goodman & Blum, 1996; Schmidt & Hunter, 2004;

Sturman & Trevor, 2001). Consequently, correlations among variables might be

reduced (Sackett & Yang, 2003; Schmidt & Hunter, 2004). Analysis of all occurrences

at lag times was conducted, avoiding reducing the number of individuals in the sample

due to turnover and allowing surpassing frequent limitations of analysing only cases

with complete data. However, as lag times increased, occurrences that fed the network

decreased from 497 when the lag was 1 year to 32 when it was 7, precluding analysis of

the final lag. Network training became progressively less effective and errors increased,

not just because it was less reliable to predict over a longer horizon, but because there

were fewer occurrences to train the network, increasing the uncertainty in network

parameter estimations substantially. A final limitation resulted from biases that affected

performance appraisal ratings (Bol, 2011), which are well-known but impossible to

control for in longitudinal studies.

New career approaches supported by different architectures according to

talent is a topic for future research. Another topic that is worth investigating relates to

identification of additional talent predictors that increase the validity of a predictive

model.

4.12. Conclusion

Using a longitudinal design, we verified the emergence of a general factor

of performance, and the stability of lawyers' performance rankings, particularly among

the most senior and tenured lawyers. We proposed and verified the adjustment of a

predictive model for performance rankings that considered initial performance rankings, professional level, tenure, and billable hours. Evidence supports arguments of the existence of a group of the most talented lawyers, whose performance is stable over time and can be predicted. Instead of an annual and redundant rite, performance rankings made during extended intervals and concomitant use of the predictive model of talent is recommended. Spare time can be used to manage the most talented lawyer's and each's talents, opening paths to tailored careers.

Chapter 5

High Performers Are Not Superheroes: Bridging Exclusive and Inclusive Talent Management Approaches for Law Firm Sustainability[11]

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[11] The evidences from this paper provided the basis for projects that were awarded by Financial Times (see Appendix A and B).

[12] Q2 - Scimago Journal & Country Rank in Law; Q3 in Strategy and Management (SJR = 0.26 in 2015). **Abstracted and indexed in**: EBSCO (Academic Search Premier, Business Source Corporate, Business Source Premier, Legal Collection, TOC Premier), OCLC ArticleFirst Database, OCLC FirstSearch Electronic Collections Online.

In the following pages is presented a paper that argues for the revision of the up-or-out career model, by triggering a more inclusive approach to TM in law firms. In the research framework, presented below, the elements comprised in the study are highlighted: both stakeholders of the lawyering role and lawyers are participants (358 participants from 12 European and Latin American countries); stakeholders order the most important attributes for career success in law firms (using the Job Profiler) and both high-performing lawyers and peers are profiled through a personality questionnaire and ability tests. A diversity of profiles with different career paths are upheld. The design is cross-sectional.

Talent Management and Legal Profession Theories
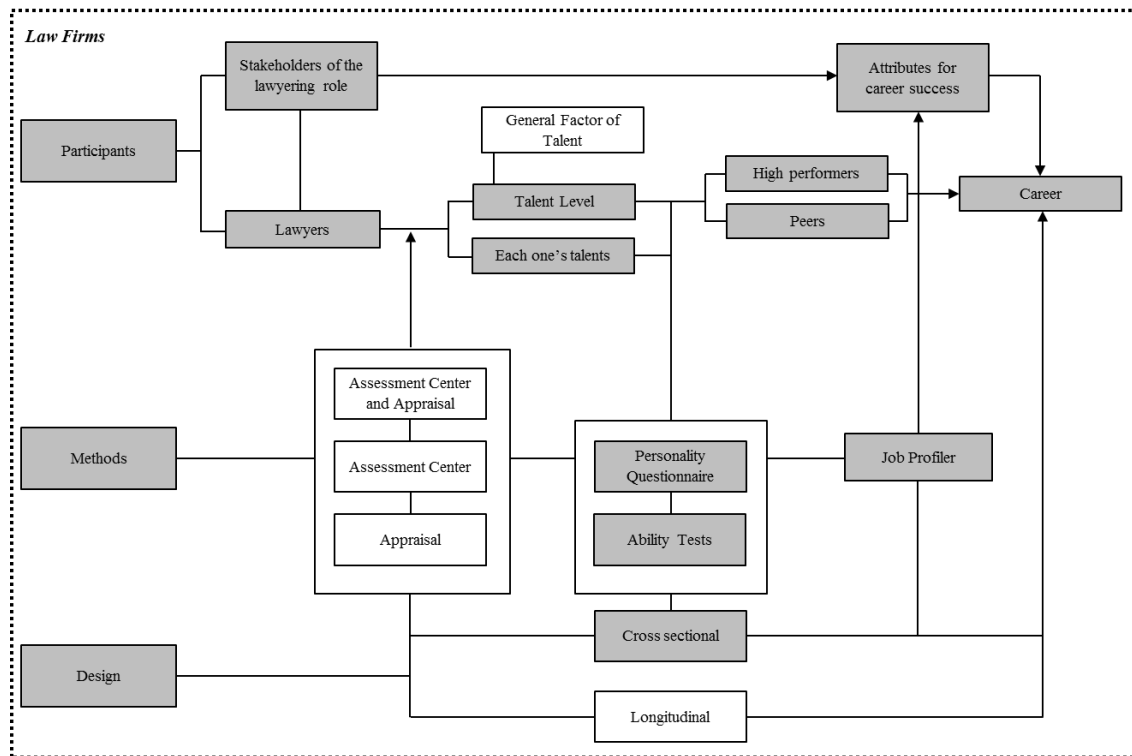
Figure 11. Research Framework, Highlighting the Elements Approached in Paper 3.

5.1.   Abstract

This paper elucidates findings in relation to bridging exclusive and inclusive approaches to TM at law firms that could promote the revision of the up-or-out career model. We explore the competencies required for career success, and we describe high-performing lawyers and their peers' profiles. We surveyed 358 lawyers and stakeholders of the lawyering role in 12 European and Latin American countries.

The stakeholders noted that high performance in an array of competencies is necessary for a lawyer's career success, but they still valued legal skills the most.

Debunking the superhero myth, we argue that high performers have a narrow focus on legal skills as the driver for innovative solutions for clients, but lack strength in interpersonal competencies. In contrast, their peers have more adaptable mindsets and are more relational and focused on quality. Rather than challenging the up-or out career model, which overvalues the role of high performers, we propose that the TM exclusive approach is a good fit, and therefore promotes only a minimum of change. For TM that ensures business sustainability, we support a more inclusive approach linked with strategic talent mapping and assessments that use several competency profiles and present several possible career paths.

5.2.   Introduction

An unprecedented competitive and business-like environment has emerged in the new millennium and altered the rules of lawyering. Globalization, economic downturns and market deregulation linked with technology advancements are challenging the daily business of law firms (Campbell & Charlesworth, 2012). Clients are facing budget cuts and are not as responsive to the idea of paying for commoditized

work (Dinovitzer, Gunz & Gunz, 2014). Likewise, clients are no longer willing to pay according to the traditional billing arrangement linked exclusively to the number of hours worked and a particular lawyer's seniority, which many view as leading to inefficiency and higher costs (Susskind, 2013). Further worsening the scenario, the Legal Services Act of 2007, which allows non-lawyers to own and run law businesses, increased competition from non-lawyer providers (Stevens, 2012). Big consulting firms are now beginning to adopt a multidisciplinary approach (Menkel-Meadow, 2012).

The golden days of annual-percentage, double-figure revenue increases are not going to return (SenGupta, 2012; Scheiber, 2013), and the surplus of lawyers is a reality expressed in terms of successive lay-offs (Harper, 2013). Although each firm faces unique challenges, addressing faster service and quality improvements at lower rates (Anand, Gardner & Morris, 2007; Smathers, 2014) has become the new normal (Davis, 2009). Clients are demanding flexibility, innovation and alternative fee arrangements (Susskind, 2008; Pinnington, 2011). Firms need to be managed as businesses, and lawyers must adapt, becoming project managers and adopting more entrepreneurial approaches (Harper, 2013).

To thrive during turbulent times and to meet client demands, law firms have implemented a new TM paradigm (Mottershead, 2010; Harrison, 2012) that reinforces human capital as a primary asset for business sustainability (Buckingham & Vosburgh, 2001; Silzer & Church, 2009). Alongside the clientele and a firm's reputation, the literature of the legal profession has long stressed the importance of human capital to law firms (Mayson, 2007). Human capital includes cognitive abilities and skills, legal education and experience, reputation and relationships with clients (Galanter & Palay, 1990), and a surplus of human capital leads to greater knowledge, more productivity

(Gilson & Mnookin, 1989) and even conditions that allow the creation of teams, thus

contributing to law firms' growth (Galanter & Palay, 1990).

In law firms, the term talent is equivalent to the term high performers –

people recognized as possessing the potential to become a partner in the future (Brittain,

2005), i.e. the ones with surplus human capital. TM is defined as the attraction,

identification, retention and development of more talented employees (Collins, 2001;

Ready et al., 2010); in law firms, TM selects high-performing lawyers for career

advancement. Their skills are identified for the establishment of performance standards

and are integrated into competency frameworks, thereby underscoring TM practices

(Mottershead, 2010). Competencies describe the behaviours that are expected from

lawyers and are used for recruitment, assessment, career advancement, compensation

and development purposes (Manch, 2013).

Although management books refer to TM as a new paradigm, its impact on

the career model, which is an important indicator of change in law firms according to

Nelson (1983), is very limited. The selection of a small percentage of the workforce for

career advancement has long been applied by firms under the tournament of lawyers'

concept, first described by Galanter and Palay [see Sander and Williams (1992), and

Galanter and Henderson (2008) for reviews]. The tournament concept is featured in the

up-or-out career model that was introduced by Cravath in the nineteenth century in the

United States and spread to many other countries following Second World War, starting

in the United Kingdom and followed a few decades later by other European countries

and Australia. Annually, the firm's partners comparatively appraise lawyers in the same

cohort (i.e. those with the same qualification year) to identify high performers. Some

members of the cohort will advance to a higher rung on the career ladder, while others

will be invited to leave and replaced by trainees recruited from elite law schools. Although it seems paradoxical, having a longer tenure and a larger network, and thus more human capital, increases the odds that a lawyer will be let go, as seniority can be associated with higher costs.

The application of a probationary period of 7–10 years, stretching from the beginning of the internship through the invitation to integrate into the partnership or outplacement, is an additional indicator that TM makes only a small contribution to changing the career model or to predicting tournament winners. The identification of the more talented by comparing them against a unique competency profile, rather than a challenging one, fits well with the traditional career model of law firms, which offers just one path towards partnership, while still being synonymous with career success.

Like the up-or-out career model, the exclusive approach to TM that is used in law firms overvalues the role of high performers. Because such performers are considered superheroes, the roles of their peers and other professionals are undervalued. High performers are expected to match a broad competency profile, to perform across the board and to outperform others. Smathers (2014) characterizes these performers as "T-shaped"; that is, they are expected to blend managerial competencies and expert knowledge, in contrast to the "I-shaped" employees, i.e. legal experts, that are created by law schools and recruited by firms. According to this characterization, high-performing lawyers are those who were able to transform themselves into superheroes and master a broad array of competencies despite having been moulded into legal experts by law schools.

Somewhat surprisingly, studies that elucidate the competencies that distinguish high-performing lawyers are lacking (Grey & Willmott, 2005; Campbell &

Charlesworth, 2012). Thus, whether high-performing lawyers outperform their peers and perform well in all of the competencies required by this new paradigm remains unknown. There is also a notable scarcity of studies identifying which competencies are the most and least relevant for career success in a law firm.

This paper supports TM empirically and bridges TM and legal professional theories. We first explore the competencies required for career success in a law firm, as ranked by the stakeholders of the lawyering role. Second, we describe high-performing lawyers and the profiles of their peers. Implications that support theoretical and practical advancements, particularly those related to law firm career models, are discussed. By including participants from non-international firms outside the United States and the United Kingdom, this study overcomes the mainstream literature bias toward US/UK-centric approaches (Tansley, 2011).

5.3.   Hypotheses

5.3.1.   Competencies and Abilities for Career Success in a Law Firm

The traditional concept of career success in a law firm is linked to the concept of winning the tournament for partnership (Stumpf, 2002). Only the highest performing lawyers, who adopt increasingly demanding roles throughout their career, attain this Darwinian achievement (Kordana, 1995). Partners play the roles of owner, leader, decision-maker and producer (Pinnington & Morris, 2003). In 1981, Nelson reported that management (i.e. the minder role) is already part of all partners' job descriptions. Most successful partners also play finder and entrepreneur roles, developing business strategies for the firm. However, all lawyers – trainees, associates and partners included – play the grinder role (i.e. all represent a firm's workforce),

which requires high billable-hour goals that can reach up to 2,400 per year (Forstenlechner & Lettice, 2008) and thus leaves little time to engage in management and the development of managerial competencies (Hitt, Bierman & Collins, 2007).

Firms are reinforcing the importance of a broad competency profile for lawyers that includes complex managerial competencies beyond legal knowledge to procure more business and profitability and prepare the forthcoming generation. Drawn from a high performer profile, competencies describe behaviours that lawyers need to display to perform their roles and achieve results in the new millennium (Berman & Bock, 2012; Hamilton, 2013a, 2013b; Manch, 2013; Mottershead & Magliozzi, 2013): leadership, teamwork, project/finance/time management, client services, drive for excellence, building trust with partners (Muir et al., 2004; Mottershead, 2010; Pinnington, 2011; Berman & Bock, 2012; Polden, 2012), deepening relationships with clients, networking, business development and strategic planning (Maister, Green & Galford, 2000; Stumpf, 2002) all stand out.

Nonetheless, evidence from practice reveals a persistent predominance of legal skills. Five strands of evidence can be highlighted. First, authority still comes from recognized success as a lawyer (i.e. from playing the grinder role; Nelson, 1981), not as a manager. Second, clients value credibility (Kouzes & Posner, 2011) and legal competency above other factors. A study by Shultz and Zedeck (2011) on a lawyer's effectiveness factors reveals a broad set of competencies required by clients; however, the same study identifies traditional legal skills as the most important competencies, with analysis and reasoning at the top of the list. Third, partners remain producers throughout their career and are expected to attain ever-higher levels of legal expertise. Recognition and awards among several important lawyer rankings (e.g. the Chambers

and Legal 500) are based on excellence in legal expertise. Fourth, to retain lawyers with a high level of legal skills, the majority of firms struggle to adapt up-or-out alternative career tracks or roles (e.g. legal directors or counsels) (Malhotra et al., 2010). Finally, law schools remain focused on the development of legal skills (Harper, 2013) and their translation into profession uniqueness.

Harper (2013) and Susskind (2013) claim that neither law firms nor law schools are changing as much as they should to meet the new normal demands. A gap exists between the broad competency profile required from lawyers and the unchanging curricula of law schools, which attract and develop students with an analytical and narrow profile. Therefore, it is unsurprising that lawyers, including law school graduates, still assume that legal skills underlined by reasoning are far more important for career success than managerial competencies, which may fit better with their particular personality traits (James, 2008). Traditional lawyering skills include legal knowledge, analysis, investigation, fact finding/problem-solving, writing (i.e. drafting), oral communication, negotiation and verbal reasoning (Pinnington, 2011; Berman & Bock, 2012; Polden, 2012). The lawyer personality literature shows that law school and lawyering attract individuals whose personality traits fit with core legal skills (i.e. thinkers and introverts) (Richard, 1993; Dardent, 2009) and who prefer structured environments that emphasize quality (Foster, Richard, Rohrer & Sirkin, 2010). Lawyers are known for their love of analysis (Richard & Rohrer, 2011), rational approaches to decision-making, autonomy, catlike behaviours (Richard, 2010) and scepticism. Sociability, numeric reasoning, commercial acumen and resilience are among their weaknesses (Foster et al., 2010). Richard and Rohrer (2011) argue that lawyer profiles

are more alike than different, which might be related to self-selection into law according to personality traits (Daicoff, 2004; Dardent, 2009).

Building on evidence from legal professional theory and practice and the lawyer personality literature that supports a preponderance of legal skills over managerial competencies, we examine disparities between the broad competency profiles introduced as a new millennium requirement and competencies and the abilities most valued for career success in law firms. We expect stakeholders in the lawyering role, particularly those involved in TM (i.e. partners and HR professionals), to identify a broad array of competencies and abilities that underlie the career success of the lawyer, thus highlighting the importance of managerial competencies beyond legal knowledge. In addition, we expect that stakeholders still perceive competencies linked to the traditional lawyer profession as being the most important for career success. Conversely, competencies and abilities outside the traditional legal roles and personality traits of lawyers are expected to be the least valued. Therefore:

H1a: Stakeholders consider a broad array of competencies and abilities critical for the career success of lawyers in a law firm.

H1b: Stakeholders most value core legal skills and abilities related to analysis, verbal reasoning and structure.

H1c: Stakeholders value competencies and abilities related to adaptability, interpersonal skills and numeric reasoning the least.

5.3.2.   High Performers' Competencies and Abilities

Fitting the up-or-out career model, an exclusive approach to TM is dominant in law firms. In contrast to inclusive approaches, which assume that

individuals with different talents add value (e.g. Buckingham, 2005; Yost & Chang, 2009), the exclusive approach prioritizes the identification and retention of high performers (Beechler & Woodward, 2009). High performers are expected to outperform their peers in terms of legal skills and managerial competencies, thus contributing disproportionately to the firm. The contributions that peers make to the business and interactions that are necessary for business success are undervalued.

When trainees join a law firm, they do not present a broad competency profile (Harper, 2013). Outdated curricula in law schools overvalue reasoning and legal skills and attributes that predict performance in roles of highly technical complexity (Schmidt & Hunter, 1998, 2000, 2004), such as traditional lawyering. University and student rankings are still among the most important firm admission criteria (Mottershead & Magliozzi, 2013). In addition, the ability testing used during recruitment encourages the selection of the more analytical candidates. Once in the firm, lawyers are appraised against the same competency profile in a comparative fashion. It has long been known that those who excel in technical competencies are appraised more positively. Raters overvalue technical skills over managerial competencies when reviewing performance (Borman, White & Dorsey, 1995; Hoffman & Woehr, 2009). Thus, it is arguable that high performers can still be identified among more technically inclined lawyers who excel in legal knowledge and analysis.

The lawyer personality literature and the few available studies on high performance also do not support the superhero assumption. Dries and Pepermans (2007) argue that high performers are more assertive, independent, optimistic and flexible, but favour individualist, competitive and Machiavellian approaches and are less willing to engage in socially responsible behaviours and other prosocial practices. High

performers have "egos that may preclude their willingness to share information, cooperate, make joint decisions, and engage in related integrative behaviours that help them perform interdependent tasks" (Hambrick, 1994, p. 722). They overvalue their organizational impact and look constantly toward upward progression while simultaneously looking for better career opportunities elsewhere. The majority of high performers expect to leave within five years (Galpin & Skinner, 2004). Richard (1993, 2010) and Foster et al.'s (2010) research into the successful personality traits of lawyers finds that such lawyers have a learning approach that favours knowledge and a task-based orientation. They are also characterized as having little interpersonal sensitivity (i.e. showing emotional distance in relation to others; displaying a non-altruistic approach; being self-critical, temperamental, cold, sceptical, reserved, critical and argumentative; valuing quality standards to the detriment of commercial environments).

Methodological pitfalls related to high performer identification (i.e. all working lawyers in the sample were high performers because they had endured the recession years) point to the need for further research. Berman and Bock (2012) suggest that a drive for excellence, leadership, matter management, written advocacy and (negative) team work are the best predictors of a lawyer's performance, i.e. talent. All tested skills revealed relationships with performance and strong correlations among one another; however, this may be related to rating biases, as the study only drew from appraisal ratings (Balzer & Sulsky, 1992). Lopes et al. (2015) integrate assessment center data and appraisal ratings and reveal that analytical skills, particularly the ability to evaluate issues and find solutions, were the strongest predictors of senior-lawyer performance.

Although scarce, such studies invalidate the notion that high-performing lawyers are superheroes, capable of high performance in all of the competencies required to succeed in a law firm. Instead, studies point to a relationship between traditional lawyering skills and high performer profiles. Excellence in legal skills appears to relate more to high performance than to a broad profile. Drawing on evidence from legal professional theory and practice and empirical literature concerning lawyer personalities we expect high-performing lawyers to excel at traditional lawyering skills – that is, to be more analytical, creative and driven – but to be less team players and adaptable than their peers. The reverse profile is expected from lawyers who are not on a partnership track. Taking into account that law schools and recruitment practices remove those with low scores on ability tests from working samples, we expect a moderate, positive correlation between abilities and performance. Law school grades correlate strongly with reasoning (Stevens, 1973), and ability tests are increasingly used during hiring decisions in law firms (Berman & Bock, 2012). Although high-performing lawyers may score high in abilities, we expect a range-restriction effect (Hunter & Schmidt, 1990), as the presence of few low scorers in a sample decreases the inter-correlations among abilities and performance. Therefore:

H2a: High-performing lawyers score higher than their peers on analytical, creativity and drive competencies.

H2b: High-performing lawyers score lower than their peers on interpersonal and adaptability competencies.

H2c: A small percentage of lawyers with low ability scores appears in the sample.

A high degree of convergence is expected between the competencies and abilities that stakeholders identify as the most and least relevant for career success and the strengths and weaknesses of high-performing lawyers.

5.4. Methods

5.4.1. Data Collection and Sample

Twelve non-international firms outside of the United States and United Kingdom were enrolled (five from North, Central and South Europe and seven from Latin American), for a total of 358 participants (Table 11). To ensure confidentiality, the firms and countries are not identified. The purpose of this study is twofold. First, it assesses the stakeholder rankings of 12 competencies and two abilities for career success in law firms. For this purpose, 85 participants (69 partners and 16 HR professionals) completed a 12-minute online questionnaire, the Job Profiler (Saville et al., 2009). Second, the study identifies the attributes that distinguish lawyers that are designated as high performers. HR departments identified the most talented or high-performing lawyers according to an adaptation of Cope's (1998) definition (the lawyers recognized as a firm's likely future leaders, i.e. partners) and other lawyers that displayed average to good levels of performance. The firms were asked not to include low performers in the sample. A sample of 273 lawyers completed a personality questionnaire, Focus Styles (Saville et al., 2009), and two ability tests, a verbal and numerical Swift Analysis (Saville et al., 2009). Completing both assessment tools took approximately 30 minutes. The participants responded online in their native languages, which they were able to select online before they began answering the questionnaire. Data were gathered over six months in 2012 and 2013. The lawyers were unaware of

their performance labels because the questionnaires and procedures were the same for both groups. In communications with participants, the study was represented as an attempt to create a benchmark of lawyer profiles.

Table 11. Sample Demographics (N = 358).

	Lawyers (N = 273)		Stakeholders (N = 85)	
	High performers	Other lawyers	Partners	HR
Region				
Europe (outside UK)	70	125	50	14
Latin America	38	40	19	2
Gender				
Female	52	104	16[a]	11
Male	56	61	41[a]	5
Professional level				
Junior	36	83	–	–
Middle	27	42	–	–
Senior	45	40	–	–
Total	**108**	**165**	**69**	**16**

Note: [a] 12 missing cases for gender.

5.5. Measures

5.5.1. Competencies and Abilities Framework

We selected Saville Consulting's universal competency framework, which includes key competencies and abilities applicable to a wide range of jobs and organizations. In 1987, Flood argued for a non-distinction between transactional lawyers and corporate managers. Currently, lawyers are expected to display competencies that are comparable to those of other leaders and managers because all are exposed to the same new-millennium pressures (Muir et al., 2004; Polden, 2012).

Saville's framework is a hierarchical model of work performance that integrates four broad clusters with 12 narrow competencies and two abilities and translates the behaviours necessary for success in the new millennium. This framework

(Table 12) was chosen because of its use of contemporary organizational language and well-researched workplace applicability for recruitment and development (Saville et al., 2009); its availability in the participants' languages; and its design for online answering. It integrates the competencies most frequently found within the frameworks of law firms. These competencies are convergent because of business model similarities (Hamilton, 2013a, 2013b; MacEwen, 2013). In order of decreasing importance, these competencies are relationship, problem-solving, communication, project management (efficiency, deadlines, quality), business development, analytical skills, drive, leadership, interest in finance, stress/crisis management, commitment to professional development, negotiation, strategy and creative thinking (Hamilton, 2013b). This model also has the advantages of linking to prominent models such as the Big Five [see Barrick and Mount (1991) for a review] and Great 8 (Bartram, 2004) and having been developed using a centric criterion strategy that selected the best criterion-related validity items (Saville et al., 2009).

Three assessment tools drawn from Saville Consulting's framework were used: the Job Profile, Focus Style and Swift Analysis.

5.6. Competencies and Abilities for Lawyers' Career Success

To measure the importance of competencies and abilities for career success, we used the Job Profiler (Saville et al., 2009), a job analysis measure. The Job Profiler assesses behaviours in most contemporary professions in terms of competencies and abilities that are desirable but varying. Instructions for respondents were adapted to emphasize the importance of attributes for the career success of lawyers in law firms.

Stakeholders of the lawyering role in law firms (partners and HR

professionals) reported the most critical workplace competencies and abilities that demonstrate high performance and progress up the career ladder among lawyers. Items measuring 12 competencies and two abilities were rated with a normative importance rating scale ranging from 1 to 7 (not important, marginally important, fairly important, important, very important, extremely important and critically important). Raw scores were used in the study. The alpha coefficients of reliability in standardization samples reported by Saville et al. (2009) averaged 0.79.

5.7. Lawyer Competencies and Abilities

5.7.1. Competencies

The Focus Styles (Saville et al., 2009) questionnaire, a self-report measure of the behaviours that individuals display and at which they are effective, was used to measure the potential for performance in two groups of lawyers: high performers and other lawyers. The questionnaire consists of 72 dynamic normative-ipsative rate-rank items that combine a free-choice rating response format (i.e. a nine-point scale from very strongly disagree to very strongly agree) with a forced-choice ranking format (i.e. the most and least liked). The results for each participant were based on mapping behaviours that best represented the competency being measured and were calculated and extracted automatically through a report developed by Saville Consulting (Saville et al., 2009). The results are presented on a Sten scale[13], based on comparisons with an international normative group of 1,240 professionals. The alpha coefficients of reliability reported by Saville et al. (2009) in standardization samples averaged 0.74.

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[13] By definition, a Sten scale is a standard ten scale used to cover a population range in fixed and equal standard deviation intervals, with fixed mean and standard deviations at 5.5 and 2, respectively (Cattell, 1965).

Saville, MacIver, Kurz and Hopton (2008) compare the validity of a range of well-known questionnaires against measures of job performance. Focus Styles reached 0.45, standing out in relation to all other questionnaires.

5.7.2. Abilities

The Swift Analysis of Aptitude includes two short ability tests with eight items each that assess the ability to evaluate written information (i.e. verbal ability) and data (i.e. numeric ability) in highly complex roles (Saville et al., 2009). The results are presented on a Sten scale, based on comparisons with an international normative group of 6,745 professionals. The coefficient alphas reported by Saville Consulting in standardization samples were verbal 0.58 and numeric 0.69. The validity of these ability tests reached 0.54 (Hopton, Kurz, MacIver & Saville, 2010), surpassing the 0.50 value described in meta-analyses as demonstrating a higher standard among job performance predictors (Schmidt & Hunter, 1998).

5.7.3. Performance Level

Based on the employee identification performed by the firms, we defined a two-category grouping variable in which group 1 represents lawyers not identified as high performers (n = 165) and group 2 represents lawyers identified as high performers (n = 108). We verified correlations between performance and variables that might predict variance in high performer identification (Björkman et al., 2013): country, region, gender and professional level. Gender and professional level had a low but significant correlation with performance (r = –0.16 and r= 0.22, p < 0.01, respectively; see Table 13) and were consequently entered into the analysis as control variables.

Table 12. Clusters, Competencies, and Abilities: Descriptions, Ratings by Stakeholders, Lawyers' Ratings, and Independent T-tests.

| Clusters | Competencies and Abilities | Descriptions | Ratings by Stakeholders N=85 | | Lawyers' Ratings N=273 | | |
			Median [a]	% [b]	High Performers Mean (SD) [c]	Other Lawyers Mean (SD) [c]	t
1. Solving problems	1.1 Evaluating problems	Examining information, documenting facts, interpreting data	6	86	5.94 (1.82)	5.41 (1.78)	2.40*
	1.2 Investigating issues	Developing expertise, adopting practical approaches, providing insights	6	87	5.81 (1.93)	5.10 (1.87)	2.99**
	1.3 Creating innovation	Generating ideas, exploring possibilities, developing strategies	5	73	6.18 (1.67)	5.02 (1.69)	5.53**
2. Influencing people	2.1 Building relationships	Interacting with people, establishing rapport, impressing people	6	72	5.60 (2.16)	5.92 (2.29)	-1.15
	2.2 Communicating information	Convincing people, articulating information, challenging ideas	6	80	6.27 (1.89)	5.84 (1.92)	1.83
	2.3 Providing leadership	Making decisions, directing people, empowering individuals	6	81	5.17 (1.62)	5.16 (1.74)	.04
3. Adapting approaches	3.1 Showing resilience	Conveying self-confidence, showing composure, resolving conflict	6	76	4.97 (1.92)	5.08 (1.95)	-.47
	3.2 Adjusting to change	Thinking positively, embracing change, inviting feedback	5	66	4.66 (1.77)	5.01 (1.87)	-1.56
	3.3 Giving support	Understanding people, team working, valuing individuals	6	75	5.02 (2.00)	5.87 (2.21)	-3.24**
4. Delivering results	4.1 Processing details	Meeting timescales, checking things, following procedures	6	91	5.87 (1.81)	6.16 (1.86)	-1.29
	4.2 Structuring tasks	Managing tasks, upholding standards, producing output	7	88	5.33 (2.05)	5.91 (1.79)	-2.45*
	4.3 Driving success	Taking action, seizing opportunities, pursuing goals	6	87	5.19 (1.82)	4.70 (1.61)	2.34*
5. Abilities	5.1 Verbal	Ability to work with words	7	80	6.75 (1.56)	6.40 (1.71)	1.53
	5.2 Numerical	Ability to work with numbers	4	39	5.03 (1.76)	4.80 (1.67)	1.00

Notes: * $p < 0.05$; ** $p < 0.01$ (two-tailed)

[a] Rating scale: 1=not important, 2=marginally important, 3=fairly important, 4=important, 5=very important, 6=extremely important, 7=critically important

[b] Percent of stakeholders who rated the attribute very, extremely, or critically important for lawyers' career success, measured with the Job Profiler

[c] Lawyers' results presented on a Sten scale. Competencies measured with the Focus Styles, and abilities with the Swift Analysis of Aptitude.

5.8.   Analysis Strategy

To test H1, we used descriptive statistics: median and percentage of the stakeholders that evaluated each competency and ability as very, extremely or critically important for career success, using the Job Profiler.

Independent sample t-tests were used to test the mean differences between the scores of high performers and other lawyers on competencies and abilities, thus testing H2a and H2b. Hierarchical regression[14] (Cohen & Cohen, 1983) assessed whether attributes that distinguished high performers positively from peers explained the additional variance in gender and professional level, i.e. the control variables. Thus, gender and professional level were loaded in the first step of the hierarchical regression, and the competencies and abilities that were identified through the independent sample t-tests as attributes that distinguished high performers from other lawyers were entered as independent variables (i.e. predictors). Performance was entered as the dependent variable. The option to enter only attributes that relate positively to performance is a reflection of practical use, as it is not expected that professionals would be searching for a lack of competency when identifying talent or recruiting lawyers.

An analysis of frequencies via the cross-tabulation of high performers and other lawyers with low, average and high scores on ability tests were used to test H2c.

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[14] Hierarchical regression is a form of stepwise regression that evaluates the relationship between a set of independent variables and a dependent variable, controlling for the impact of a different set of variables on the dependent variable. Variables are entered into the analysis in a sequence of blocks, and the researcher controls the order of entry according to the hypotheses being examined. In this study, a set of control variables was entered in the first block, and a set of predictor variables was entered in the second block.

5.9.   Results and Findings

The evaluations of competencies and abilities are shown in Table 12 as the medians and percentages of stakeholders who rated a competency or ability as very (5), extremely (6) or critically (7) important. All competencies and abilities were considered as least important, supporting H1a. The narrow ratings from stakeholders ranged from median values of 4 to 7. Numerical ability, adjusting to change and creating innovation had the lowest medians (4 and 5), followed by building relationships, giving support and showing resilience. Structuring tasks and verbal ability, with medians of 7, were the competency and ability considered most important for a lawyer's career success, followed by processing details, driving success, investigating issues and evaluating problems, thus supporting H1b and H1c. Attributes related to problem solving, verbal reasoning and structure, which are traditional attributes of lawyers, were perceived as most important for career success. Adaptability and numeric reasoning were least important. The interpersonal competency of building relationships was also rated among the least important. Unexpectedly, creating innovation was ranked at the bottom of the competencies required for career success.

Table 12 reports the means and standard deviations for high performers and other lawyers. High performers scored higher on all competencies in the solving problems cluster – evaluating problems, investigating issues and creating innovation. In the delivering results cluster, driving success was another competency on which the high performers scored higher than their peers. These findings are in agreement with H2a. As hypothesized (H2b), high performers scored lower on interpersonal and adaptability competencies in the adapting approaches cluster. Although not

hypothesized, structuring tasks, from the delivering results cluster, was a competency on which high performers scored lower. No differences between high performers and other lawyers were found for the other competencies and abilities. The correlations between competencies and performance ranged from no correlation for providing leadership to a correlation of 0.32 ($p < 0.01$) for creating innovation (see correlations in Table 13), which is a moderate correlation within the context of performance prediction, according to Harris and Schaubroeck (1988), Conway and Huffcutt (1997), and Hoffman et al.'s (2010) meta-analyses. These and all figures presented in the study were uncorrected for restriction of range in the sample.

Hierarchical regression, shown in Table 14, suggests that the four attributes that distinguished high performers positively (i.e. evaluating problems, investigating issues, creating innovation and driving success) predict whether a lawyer is a high performer ($r = 0.39$; $p < 0.01$) and account for 16% (unadjusted R^2) of the variance (i.e. 9% of the additional variance over gender and professional level). On the attributes level, creating innovation ($\beta = 0.32$; $p < 0.01$) was the only predictor of performance when gender ($\beta = -0.11$; $p = 0.06$) and professional level ($\beta = 0.22$; $p < 0.01$) were controlled. Unlike professional level, which remained a significant predictor, gender became insignificant during step 2. Thus, seniors showed higher levels of performance, possibly as a result of range restrictions caused by annual selection.

Although high performers scored higher on both abilities, significant differences from their peers were not found. Correlations among abilities and performance were non-significant and lower than expected ($r = 0.1$ for verbal ability and $r = 0.07$ for numerical ability). Table 15 shows the percentage of high performers and

Table 13. Means, Standard Deviations, Independent T-tests and Inter-correlations (N = 273).

	High performers N = 108 Mean (SD)	Other lawyers N = 165 Mean (SD)	t	1	1.1	1.2	1.3	2	2.1	2.2	2.3	3	3.1	3.2	3.3	4	4.1	4.2	4.3	5	5.1	5.2	6	7
Dependent variables [a]																								
1. Solving problems	6.10 (1.78)	5.02 (1.85)	4.64**																					
1.1. Evaluating problems	5.94 (1.82)	5.41 (1.78)	2.40*	.81**																				
1.2. Investigating issues	5.81 (1.93)	5.10 (1.87)	2.99**	.83**	.56**																			
1.3. Creating innovation	6.18 (1.67)	5.02 (1.69)	5.53**	.82**	.46**	.63**																		
2. Influencing people	5.76 (1.81)	5.64 (2.02)	.46	.03	-.09	.06	.09																	
2.1. Building relationships	5.60 (2.16)	5.92 (2.29)	-1.15	-.33**	-.37**	-.28**	-.19**	.79**																
2.2. Communicating information	6.27 (1.89)	5.84 (1.92)	1.83	.27**	.19**	.21**	.29**	.81**	.44**															
2.3. Providing leadership	5.17 (1.62)	5.16 (1.74)	.04	.17**	-.04	.30**	.19**	.84**	.51**	.66**														
3. Adapting approaches	4.65 (1.76)	5.35 (2.08)	-2.81**	-.22**	-.38**	-.07	-.08	.55**	.55**	.24**	.56**													
3.1. Showing resilience	4.97 (1.92)	5.08 (1.95)	-.47	-.01	-.10	.01	.06	.60**	.41**	.46**	.63**	.70**												
3.2. Adjusting to change	4.66 (1.77)	5.01 (1.87)	-1.56	-.02	-.27**	.20**	.07	.40**	.34**	.13*	.48**	.73**	.47**											
3.3. Giving support	5.02 (2.00)	5.87 (2.21)	-3.24**	-.37**	-.42**	-.28**	-.24**	.28**	.44**	.02	.21**	.75**	.24**	.32**										
4. Delivering results	5.50 (1.91)	5.60 (1.89)	-.38	.02	.07	.18**	-.13*	-.16*	-.29**	-.14*	.06	-.23**	-.14*	-.14*	-.22**									
4.1. Processing details	5.87 (1.81)	6.16 (1.86)	-1.29	-.16*	.03	-.07	-.33**	-.47**	-.41**	-.38**	-.36**	-.40**	-.38**	-.34**	-.24**	.81**								
4.2. Structuring tasks	5.33 (2.05)	5.91 (1.79)	-2.45*	-.27**	-.18**	-.10	-.36**	-.21**	-.17**	-.29**	-.08	-.03	-.17**	-.12	.15*	.79**	.66**							
4.3. Driving success	5.19 (1.82)	4.70 (1.61)	2.34*	.45**	.25**	.53**	.41**	.48**	.11	.48**	.66**	.10	.34**	.27**	-.27**	.35**	-.14*	-7						
5. Abilities	5.89 (1.24)	5.60 (1.24)	1.71	.02	.04	-.05	.00	-.20**	-.09	-.18**	-.25**	-.18*	-.12	-.14*	-.17**	-.08	.02	-.10	-.14*					
5.1. Verbal	6.75 (1.56)	6.40 (1.71)	1.53	.04	-.01	.05	.02	-.20**	-.11	-.14*	-.19**	-.13	-.14*	-.06	-.12	-.03	.04	-.03	-.14*	.73**				
5.2. Numerical	5.03 (1.76)	4.80 (1.67)	1.00	.00	.07	-.12	-.02	-.10	-.03	-.12	-.17**	-.13	-.03	-.14*	-.14*	-.09	.00	-.12	-.07	.75**	.09			
Control variables																								
6. Gender [b]				-.11	-.09	.02	-.18**	-.13*	.00	-.14*	-.08	-.01	-.17**	-.03	.10	.18**	.19**	.28**	-.08	-.12	.00	-.18**		
7. Professional level [c]				.11	.07	.11	.04	.12	.01	.13*	.21**	-.05	.10	-.10	-.09	.25**	.08	.13*	.26**	-.03	.05	-.08	.01	
Independent variable																								
8. Performance level [d]				.28**	.14*	.18**	.32**	.03	-.07	.11	.00	-.17**	-.03	-.09	-.19**	-.02	-.08	-.15*	.14*	.11	.10	.07	-.16**	.22**

Notes: * p<0.05; ** p<0.01 (two-tailed)
[a] Dependent variables measured through Focus Styles and Swift Analysis, resented in a Sten scale
[b] Gender coded 1=male, 2=female
[c] Professional level coded 1=junior lawyers, 2=middle lawyers, 3=senior lawyers
[d] Performance level coded 1=other lawyers, 2=high-performers.

other lawyers with low (Sten 3 or below), average (Stens 4–6) and high score levels
(Sten 7 or above) for abilities.

Consistent with the range restriction effect and H2c, the findings suggest
that few lawyers scored low on abilities; just 2.3% of high performers and 2.9% of other
lawyers scored Sten 3 or below on both the verbal and numeric tests. The range
restriction effect was higher than hypothesized, which may be related to the instructions
to law firms not to include low performers in the sample.

Table 14. Hierarchical Regression Analysis of Lawyers' Attributes on Performance (N= 273).

Variables		Model		Coefficients	
	R	R^2 (F)	Delta E^2 (Delta F)	β	SE
Step 1	0.27	0.07 (10.71**)	0.07 (10.71**)		
Gender[a]				−0.17**	0.06
Professional level[b]				0.22**	0.03
Step 2	0.39	0.16 (8.07**)	0.08 (6.32**)		
Gender				−0.11	0.06
Professional level				0.22**	0.03
Evaluating problems				0.01	0.02
Investigating issues				0.02	0.02
Creating innovation				0.32**	0.02
Driving success				0.05	0.02

Notes: [a] Gender coded 1 = male, 2 = female; [b] Professional level coded 1 = junior lawyers, 2 = middle lawyers, 3 = senior lawyers; **$p < 0.01$.

Table 15. Lawyers' Score Percentages on Abilities (N = 273).

	High Performers (N = 108)			Other Lawyers (N = 165)		
	Low Sten ≤3 (%)	Average Sten 4–6 (%)	High Sten ≥7 (%)	Low Sten ≤3 (%)	Average Sten 4–6 (%)	High Sten ≥7 (%)
Abilities[a]	2.3	71.6	26.1	2.9	80.9	16.2
Verbal	3.4	35.2	61.4	4.4	50.7	44.9
Numerical	22.7	56.8	20.5	20.6	63.2	16.2

Note: [a] Verbal and numerical average Sten score.

5.10. Discussion

"Lawyers are at a crossroads" (Susskind, 2013, p. xiii), and the changes are just beginning (Osborne, 2013; Rainhart, 2013). The end of billable hours has been anticipated, as has the end of big law firms and indeed even the end of lawyers (e.g. Susskind, 2008; Glater, 2009; Ribstein, 2010). Although none of this has taken place, the rules of lawyering have dramatically changed as a consequence of the recent global recession. Though the challenges among firms and countries vary, new-millennium economic turmoil pressured lawyers to broaden their profiles in favour of business sustainability. Project management has become mandatory for lawyers, who are now expected to understand a client's business, to work in teams and to provide innovative solutions in the most cost-effective way (Hamilton, 2013a, 2013b). Mottershead (2010) suggests change, adaptability, flexibility, innovation, creativity, vision and empathy, including "advanced skills in leadership, relationship building, communication, project management, people management and financial management" (p. 38) as additional required competencies for lawyers.

Nonetheless, the mastery of legal skills remains essential to career success in law firms. This was revealed both by the stakeholders' ranking of competencies and abilities for career success and by the profiles of high performers, whose 'superhero' status has been demystified. Consistent with traditional lawyering skills and the abilities that stakeholders value most, high-performing lawyers are highly analytical drivers. Their analytical strengths relate to solving and evaluating problems, investigating issues and creating innovation. Stakeholders overlooked numerical ability but highlighted verbal ability as critical for career success. Although high performers scored higher on both verbal and numeric abilities, the disparities between high performers and their

peers were insignificant. Paradoxically, this might result from the importance of reasoning skills in lawyering because few low scorers were part of the sample. Law school admissions and hiring decisions might have removed low scorers, supporting Dardent's (2009) assumptions regarding the similar profiles of lawyers resulting from self-selection into lawyering. The request for firms not to include low performers in the study might also have created an overly narrow sample.

The competency that most distinguished high performers from their peers and best predicted performance was creating innovation. This analytical strength comprises exceptional talent for generating ideas, exploring possibilities and developing strategies. This finding links with Nelson's (1981) theory that the finder and entrepreneurial roles that partners played identified them as more successful. The literature links creativity with talent (Renzulli, 2005), highlighting the importance of innovation for high performance and career success. Krause et al. (2006) argue that imaginativeness correlates with career success (r = 0.33), and Judge and Kammeyer-Mueller (2007) report links among proactive personalities (i.e. drive), innovation and career initiative. The practice of law provides evidence of the importance of innovation for law firms; for example, the Financial Times' rankings of the Most Innovative Law Firm and Most Innovative Lawyer, which was launched in 2006. However, the stakeholders of the lawyering role appeared not to emphasize the importance of innovation; indeed, they considered it among the least critical competencies for a lawyer's career success. Law firms might not have fully realized the relationship between innovation and performance, considering that creative thinking for problem solving, formulating clear and appropriately timed responses and providing additional value to clients were ranked high among the competencies that still need to be

developed (Cullen, 2009). Hamilton (2013b) reports creative thinking among the least

frequently found competencies in the competency frameworks of firms and Harper

(2013) identifies innovation as both the most important and most difficult competency

to embrace in law firms.

High performers' focus on driving success (i.e. taking action, seizing

opportunities and pursuing goals) is consistent with the stakeholders' rankings of the

most important competencies for career success. Although driving success is important

for high performance, such a focus is linked with an individualist scenario, as

stakeholders also overlook relationship skills that might underlie the Machiavellian

approach found in the high-potential segments of various sectors and roles, as Dries and

Pepermans (2007) describe. Additional weaknesses were revealed in high-performing

lawyers' profiles. They lack adaptability, a competency several authors describe as most

critical to success, at both the individual and organizational levels (Reeves & Deimler,

2011; Duarte, 2015). Structuring skills, which are valued by stakeholders, are also

among high performers' weaknesses. Conversely, other lawyers play an important role

in quality assurance by managing tasks, upholding standards and producing output.

They are supportive team players, are more resilient and embrace change, engaging in

adaptable approaches. We discredit the notion that high-performing lawyers fit within

the broad profiles that stakeholders describe as critical for career success and driving

business. On the contrary, high performers not only lack strength in several

competencies, but they are also less willing to adapt approaches in response to what lies

ahead. Investing in a narrow pool of high performers exposes firms to risk by

undervaluing the role of the entire workforce and overlooking the fact that other lawyers

add value, too.

The global recession reduced partnership prospects, and strengthening the up-or-out model is regarded as the best option for maintaining the leverage ratio, i.e. the number of lawyers per partner (Baden-Fuller & Bateson, 1990). However, this would lead to an overly narrow workforce that lacks several competencies and is unprepared for future challenges, thus undermining business sustainability. The career model is linked with TM-exclusive approaches that focus on the best in class – those whose performance ranks at the top (Silzer & Dowell, 2010) of their cohort. The existence of a small percentage of lawyers who possess greater talent for the lawyering role is unquestionable. For example, all of the firms in this study were able to identify high performers, even with no formal list or TM practices implemented. These lawyers outperform others in terms of the traditional legal skills that make the profession unique and that are still linked to both academic and professional success. Bearing in mind that the individual factors (i.e. innate abilities, education and personality traits) that account for the mastery of these competencies are difficult to develop and replicate, the retention of legal experts is a priority, although fewer lawyers with a technical profile are needed. On the other side of the coin, lawyers with different profiles, such as those who are technologically inclined and/or those who master project management, are increasingly needed (Susskind, 2013). Sourcing this raw material is only possible through strong cooperation with law schools. The use of shared competency frameworks by the academic world and firms could provide the basis for change (Manch, 2013). A broad array of disciplines, such as engineering, management, economics, psychology and sociology, should complement a lawyer's background. This is best strategy for competing with the multidisciplinary firms that are now re-entering the legal field (Susskind, 2013). Taking it a step further, firms could even become multidisciplinary

platforms themselves, providing additional legal advice services such as management, investment consulting, strategic consulting and training (Galanter & Palay, 1994; Susskind, 2013; Thornton, 2012).

Law firms must balance the retention of legal expertise, which allows them to retain elite legal practice status and permits the establishment of legal profession standards (Galanter & Palay, 1990; Thornton, 2012), with becoming entrepreneurial and adaptable to the requirements of the new normal. This new milieu requires firms to require additional managerial competencies without creating a less fulfilling environment, particularly for the more technically inclined lawyers who overlook management and prefer to focus on the work in which they expected to engage when they chose a legal career (Harper, 2013). Bringing managers into a firm to support its producers is commonplace, particularly in larger firms, and this could indeed be a smart option for broadening the array of competencies in law firms. However, regardless of the managers' specialization level and background, they are non-core professionals (Galanter & Palay, 1990) and are therefore commonly designated as non-lawyers who are restricted from becoming partners. A definition of career success that does not include these professionals is therefore unattractive and serves to diminish the attraction and retention of the most talented employees.

Lawyers are expected to keep playing the minder role (Nelson, 1981). Even the few firms that have gone public still engage lawyers on management and strategic boards, and some have even adopted a career model equivalent to partnership (Angel, 2007). This move may have arisen from the linking of career and partnership models with excellence (Malhotra et al., 2010). Partnership has proven exemplary in terms of governance (Greenwood, 2003) and is still used by the majority of firms (Angel, 2007)

because it promotes high competition and strong motivation for pursuing a career track toward the partnership.

The model of success may be one of the reasons that firms change so slowly. Harper (2013) and Susskind (2013) assert that lawyers are in a stage of denial: neither law schools nor firms are changing as much as they should. Change involves innovation, and law schools and firms are averse to experimentation and failure (MacEwen, 2013; Rainhart, 2013).

The up-or-out career model that most law firms still use is a consequence of that slow change. This model, which compels the annual segmentation of the workforce into high and non-high performers and retains the first group while replacing the other, needs revision. Indeed, the model is not even suited for high performers because it removes grinders, changes context annually and does not consider that high performers might not be amenable to constant adaptation. Fitting this same model, the exclusive TM approach promotes the retention of lawyers with a similar, technically narrow profile who follow a unique career path. We argue for a different TM approach, one that bridges the exclusive approach to high performer identification with the inclusive approach of mapping and developing workforce talent in relation to several competency profiles. The definition of TM in law firms (i.e. the attraction, identification, retention and development of high performers) should be adapted to include lawyers with different profiles working alongside professionals from other backgrounds, instead of focusing on a single profile that superheroes alone can fit. This may be the way to bridge the gap between what is expected from lawyers, particularly in terms of business development and strategic thinking, and the success of firms as it relates to attracting and developing lawyers with such a profile.

Several competency profiles should be defined according to a strategic talent map designed in accordance with a firm's strategic business plan. Forecasting the required talent alongside an in-depth analysis of the talents of each employee could provide currently unavailable means of predicting career tracks. Assessing lawyers against different competency profiles rather than against a broad competency profile that only superheroes fit could launch a career model change and overthrow the up-or-out model. The definition of career success in law firms needs to change to incorporate different career paths for lawyers and non-lawyers, with different profiles that together encompass a broad array of competencies and talent.

5.11. Limitations and Directions for Further Research

This study elucidates findings in relation to bridging exclusive and inclusive approaches to TM at law firms that could promote the revision of current career models. Nonetheless, limitations are evident. We address five such limitations while pointing out avenues of research that go beyond replication. The first limitation stems from the fact that the firms selected the participating lawyers by identifying high performers and other lawyers according to their own criteria. To minimize this limitation, and following Dries and Pepermans' (2007) procedure to reduce heterogeneity, we provided all of the firms with Cope's (1998) definition to guide the selection of lawyers perceived as having the potential to make partner. We also recommended the selection of a balanced sample (i.e. in terms of gender, professional level and performance), although this was unassured because participation was voluntary. Future research should include all of a firm's lawyers and other professionals in the sample. Larger samples also allow group comparisons (e.g. by professional level, gender, nationality), which were not possible in

this study. The involvement of practitioners in a study, as participants or as researchers, would be particularly valuable and would overcome access constraints. The self-evaluation of lawyers was a second limitation, although a forced-ranking questionnaire was used to prevent overevaluation. The lawyers were unaware of both their performance labels and purpose of the study to prevent false reporting. The predictive validity of personality in relation to performance has been well established (Barrick & Mount, 1991; Judge, Bono, Illies & Gerhardt, 2002), despite the use of self-reporting measures. We suggest the use of additional raters and evaluation methods in future research. A third limitation is linked to the study's cross-sectional design, which constrained causal inference (Podsakoff et al., 2003). We refer particularly to the high performers and other lawyers' profiles. Although a major strength of this study was its comparison of two groups of lawyers with disparate performances, conclusions regarding the importance of competencies and abilities for career success can be addressed only after replication and through longitudinal designs. A fourth limitation is related to the non-inclusion of clients as stakeholders. Client evaluation of the important competencies for lawyering is critical and should be integrated into future studies. The final limitation relates to a particularly strong range restriction effect in the sample of highly skilled workers (Schmidt & Hunter, 2004). Considering the documented predictive validity of abilities in relation to performance (Pfeffer & Sutton, 2006b), it is likely that firms used ability tests during recruitment. While reasoning skills are critical to success in law school, initial selection is also based on such skills. Consequently, the sample was overly narrow, which weakened the correlations between abilities and performance.

An additional avenue of research warrants mention. This avenue looks at evaluating outputs using a different career model grounded in a more inclusive TM approach, particularly in terms of a firm's attractiveness, productivity, turnover and talent retention. The acceptance of an alternative to the up-or-out career model that can contribute to a firm's attractiveness and allow firms to thrive during turbulent times is a priority.

5.12. Conclusion

Law firms face challenges related to globalization and client pressures for increased quality at lower rates. The up-or-out career model, which leads a minority of lawyers to partnerships, is supported by the superhero myth related to high performance in a broad scope of competencies and abilities. We discredit this model. Innovative high performers are more technically inclined, while other lawyers, to their credit, are grinders and team players who are more willing to adapt their approaches. This study supports the need for an alternative TM approach that encourages forecasting talent needs and defining different competency profiles for lawyers and other professionals, thus encouraging the contribution of different talents. Readiness in the new project management era (Henderson, 2011) will come from combining the talents of the entire workforce because superheroes simply do not exist. Competency frameworks shared by law schools and firms will be needed to broaden the lawyering scope. New research approaches to TM need to be examined at law firms, which is tantamount to saying that the career model needs to be reviewed to enable the retention of a pool of talent while maintaining a firm's prestige. These efforts should be linked to creating different career

paths and assessing each employee's talents, thereby promoting business readiness and contributions to sustainability.

Chapter 6

Research Conclusions

6.1. Overview of Studies Findings

This project aimed at clarifying the talent concept in law firms and to support the building of practices for the identification and management of talent in the particular setting of the legal profession. For contributing with empirical evidences regarding TM in the legal profession, which are lacking, four studies were developed. The first one, a pilot study on TM state of the art in law firms, enabled, in conjugation with literature review, the establishment of the research questions explored in the three papers developed afterwards. Each paper focused a different TM topic of the research framework. The first paper, "A new approach to talent management in law firms: Integrating performance appraisal and assessment center data", focused on the development of a method for the identification of the most talented, as well as for the identification of each lawyer's talents. The second paper, entitled "Is talent stable enough to be predicted? A longitudinal study of lawyers' appraisals", addressed the stability of performance rankings and developed a model for the prediction of talent over time. As for the last paper, "High performers are not superheroes: Bridging exclusive and inclusive talent management approaches for law firm sustainability", the attributes required for lawyers' career success in law firms were explored in relation with the high performers and peers' profiles.

After Table 16, presenting the summary of purposes, design and main findings of the studies, this chapter proceeds with an integrated overview of studies'

findings. The five core topics addressed in the project are explored: the talent concept, skills for career success, high performers and peers' profiles, talent identification methods, and career in law firms. The chapter ends with projects' strengths, limitations and research avenues for the future.

6.1.1.   Talent Concept

Answers to the TM questionnaire by the law firms pilot group revealed a lack of consensus regarding TM definition. Some firms emphasized the development of all lawyers, adopting an inclusive approach to talent, whereas other firms focused on high performers' management, thus adopting an exclusive approach to talent. We found evidences for supporting a twofold approach to the concept of talent in law firms. In what concerns evidences supporting the exclusive approach to talent, paper 1 and paper 2 highlighted the substantive existence of talent, pointing to the existence of a group of more talented individuals for the lawyering role that outperform peers. Consistently, it was found a general factor of performance in appraisal ratings, where all the dimensions load, followed by a sharp drop. In paper 1, a factor encompassing 66% of variance emerged, and paper 2 replicated the procedure in eight years of appraisal ratings, uncovering factors comprising from 58.4% to 78.1% of the variance. A decrease of the magnitude of the factor verified in paper 2, probably linked with raters' training for minimizing biases such as halo (Thorndike, 1920) and leniency (Ford, 1931), is consistent with coexistence of the general factor of performance with rating biases, also pointed out in paper 1. Rating bias inflated the factor, but it was found even after controlling for biases, as stated by Kurz et al. (2009), van der Linden et al. (2011) and Viswesvaran et al. (2005). Moreover, a general factor was also extracted from

Table 16. Overview of Studies' Purposes, Design and Findings.

Study	**Exploratory Study:** Questionnaire on talent management. *Included in Chapter 2 of this thesis.*	**Paper 1:** A new approach to talent management in law firms: Integrating performance appraisal and assessment center data. *Published in 2015: International Journal of Productivity and Performance Management.*	**Paper 2:** Is talent stable enough to be predicted? A longitudinal study of lawyers' appraisals. *Submitted in 2017: Personnel Review.*	**Paper 3**: High performers are not superheroes: Bridging exclusive and inclusive talent management approaches for law firm sustainability. *Published in 2016: International Journal of the Legal Profession.*
Purpose	Verifying the talent management state of the art in a pilot group of law firms for supporting the building of the project's research questions.	To evidence substantive existence of talent and to propose a new approach to talent identification that consists of averaging performance appraisal and assessment center ratings for differentiation of lawyers according to overall talent and in-depth identification of lawyers' talents.	To evidence substantive existence of talent and enough stability of performance rankings over time to be predicted; and to propose a predictive model for law firms.	To elucidates findings in relation to bridging exclusive and inclusive approaches to talent management at law firms that could promote the revision of the up-or-out career model. To evidence competencies for career success; and to profile high performers and peers.
Design	An online questionnaire comprising 5 questions on talent management was sent to firms of Club Abogados and Amsterdam Club. Answers from 29 European and Latin American countries were gathered. Descriptive statistics were used to analyse the responses' distribution.	The approach adjustment was examined using a 61 senior-lawyer sample. Comparisons between assessment center and performance appraisal ratings were analysed using paired-sample t-tests and a kernel density function. Predictive validity was assessed with Pearson correlations. Evidence of both a general performance factor and two additional factors was verified using principal component analysis. Varimax rotation was used to verify 3 broad factors with job profile's 3 broad areas.	8 years of appraisal ratings were drawn from a law firm, comprising a sample of 140 lawyers. Principal component analysis addressed the substantive existence of talent, and statistical analysis was performed to address the stability of performance rankings. Recursive feedforward neural networks were used to model and simulate performance rankings over time.	358 participants from 12 law firms of 12 countries were enrolled. Descriptive statistics were used to examine the importance of attributes for career success. Independent sample t-tests assessed the attributes that distinguished high performers from peers, and hierarchical regression verified whether attributes that distinguished high performers positively from peers explained the additional variance in relation to control variables: gender and professional level.
Findings	Results uncovered the importance of TM for law firms, as well as the importance of the most talented for business success. A lack of consensus regarding the talent concept was revealed, even as a lack of use of talent identification methods. Law firms referred to having limited information regarding high performers' preferences in relation with career building.	Results suggested support for the assessment center predictive validity. Its lower and more variable ratings overcome performance appraisal rating bias. Adjustment of the new approach to lawyers' overall talent identification (the general factor) and each lawyer's relative talents (3 broad factors) was observed. Substantive existence of talent was supported.	Results unveiled a general factor of performance, extracted from appraisal ratings, suggesting substantive existence of talent. Stability of performance rankings was supported, particularly among senior and tenured lawyers. The adjustment of the predictive model for performance rankings prediction was confirmed.	Results supported a more inclusive approach linked with talent mapping that use several competency profiles and career paths. The stakeholders valued an array of competencies for a lawyer's career success, but they still valued legal skills the most. High performers were revealed to have a narrow focus on legal skills. Their peers have more adaptable mindsets and are more relational and focused on quality.

assessment centers' ratings, undertaken by experienced assessors with no knowledge

regarding past performance of ratees. Cognitive abilities and personality traits possibly

play a role in the emergence of the factor because of underlying skills (Viswesvaran et

al., 2005), leading to positive correlation among the majority of skills (Hulin, 1982).

These attributes are known to be relatively stable in adulthood (e.g. Barrick & Mount,

1991; Costa & McGrae, 1988; Judge et al., 2002), thus contributing for performance

stability over time. Paper 2 confirmed, through a longitudinal design, that performance

rankings have stability over time. For instance, initial differences between high and low

performers remained relatively constant over time, in accordance with Schmidt, Hunter,

Outerbridge and Goff's (1988) findings. Adding to this, the most talented were

highlighted as displaying the most stable performance rankings and, conversely to

peers, their performance stability scores did not decrease over time. Additional

evidences were provided in paper 3. HR departments were asked to identify their most

talented lawyers according to the adaptation of Cope's definition (1998) – the lawyers

recognized as a firms' likely future leaders, i.e., partners. Firms pointed their high

performers as being the most talented lawyers. This is in line with frequently

interchangeable use of talent and high performance: the most talented equals the high-

performing lawyers (Brittain, 2005). Likewise, all the firms enrolled in the pilot study

acknowledged their high performers, even making use of any formal identification

method, relying on appraisals and partners' information. Firms recognized high

performers as being critical for business success. In sum, differentiation of individuals,

according to overall talent required for the particular context of the lawyering role was

acknowledged by the verification of talent as a construct with stability over time. High

performers are a scarce resource that is intrinsic and transferable across organizations

from the same industry (Axelrod et al., 2002; Welch & Welch, 2005; O'Boyle & Aguinis, 2012; Aguinis et al., 2012). Thus their identification and retention should be a priority.

In line with inclusive approaches to talent, paper 3 revealed that high-performing lawyers do not excel in all dimensions of competency required for career success in the new-millennium. Downturn and turmoil economic juncture have made law firms business-like requiring a broad profile that only a superhero can master. Albeit displaying high levels of performance, lawyers recognized as the most talented are particular keened to technical skills. Overvalue of hard skills by partners may explain the halo effect (Thorndike, 1920) in appraisals and then inflating the general factor of performance. In fact, paper 1 revealed that rating bias precluded marked differentiation of lawyers' strengths and weaknesses.

Conversely to commercial organizations that ever-requires management responsibilities throughout the career while disengagement of technical skills is expected, the non-separation of managerial and producing roles (Gabarro, 2007; von Nordenflycht, 2010) in law firms may underline the overvalue of the analytical dimensions. The firms feature may explain findings of paper 3, revealing that the most talented lawyers are identified among the ones who are more technically inclined. More than synonymous of performance, talent in law firms is synonymous of high-technical performance, which is underlined by drive and analytical skills, and in particular by innovation for generating ideas, exploring possibilities and developing strategies for legal problem solving. This striking conclusion emerged from paper 3. Thus, superheroes displaying high-performance in all dimensions of competency required for thriving the new economic juncture do not exist. More output was credit to high

performers but their peers have skills that are important to firms' success too. All lawyers have different talents that are important to develop and manage for the building of a diverse pool of talent. Mapping each one's talents and development of all lawyers is so important as the identification and retention of the most talented.

A twofold approach of the talent concept is then proposed in this project: first, talent, in the singular form, refers to overall talent, taking in the differentiating of the skills for performing a particular role; and second, talents, in the plural form, relates with each one's talents (strengths). Thus, TM in law firms major aim consists of both identifying and retaining the ones that excel in the legal profession, but also to build a diverse poll of talents required to thrive and anticipate an ever-changing environment.

6.1.2. Skills for Career Success

Firms are living times of turmoil, framed by a new normal (Davis, 2009) juncture, encompassing a competitive cut-throat environment challenging the rules of traditional lawyering. Throughout this thesis a broad array of skills was described as critical for career success in law firms. For assuring business responsiveness, the recent professionalized HR departments have developed broad competency frameworks integrating hard and managerial skills for recruitment, development and appraisal purposes. Paper 1 and 2 presented the competency framework from a big Portuguese law firm. Several competencies are included, beyond productivity (i.e. billable hours). Skills range from the more traditional hard or legal skills (evaluating issues, finding solutions, knowledge and drafting) to the managerial or soft skills (persuasion, client orientation, business development, firm focus, leadership, resource management and achievement focus). Paper 1 clarified that these skills are in line with other law firms'

competency frameworks described in recent literature (e.g. Berman & Bock, 2012; Cullen, 2009; Kouzes & Posner, 2011; Mottershead, 2010; Polden, 2012) and with the most important skills for law-firm career success perceived both by junior and senior lawyers (Pinnington, 2011).

           Findings reported in paper 3 corroborate the importance of a broad array of skills for career success in law firms, in line with firms' broad competency frameworks. Stakeholders of the lawyering role, partners and HR professionals, identified all the competencies and abilities (from Saville Consulting's universal competency framework, including key skills applicable to a wide range of job and organizations in the new-millennium), as being at least important for career success in law firms. Findings are in accordance with legal profession literature pointing to comparable competencies of lawyers in relation to other leaders and managers from disparate organizations, because all are exposed to the same economic pressures (Muir et al., 2004; Polden, 2012). For thriving up the career ladder towards partnership, lawyers need to adopt increasingly demanding roles, such as the minder (or managerial) and finder (or business developer) roles, according to Nelson's (1981) designations. Notwithstanding, lawyers and even partners remain producers throughout the career. In fact, partners are the most experienced and valuable grinders of the firm (Nelson, 1981), working long and expensive hours. This argument may be pointed out as a possible explanation for the persistent predominance of legal skills above managerial skills. Paper 3 confirmed that albeit stakeholders of the lawyering role perceived all the competencies and abilities as important for career success in a law firm, they valued structuring tasks and verbal ability as the most important, followed by processing details, driving success, investigating issues and evaluating problems, all attributes

related to problem solving, verbal reasoning and structure, that may be linked with traditional lawyering skills. Building relations, numeric reasoning, adaptability and creating innovation were rated among the least important. Undervaluation of these attributes may preclude development of client relation and business development skills, which are underlined by the building of relationships, and development of managerial skills, which require numeric reasoning. Furthermore, it may preclude the recruitment of individuals with such profile. In a fast-changing economy, it is interesting to notice the less relevant role stakeholders endorsed to adaptability. It could be expected that the ability to adapt to what lies ahead would be highlighted as critical for success. Even more surprising, is the undervaluation of innovation for career success. Evidences are in line with Harper's (2013) report of innovation as being both the most critical and difficult skill to embrace in law firms. Mastery of traditional legal skills is a differentiator in the profession but insufficient for competing in the new-environment. Changes are just beginning in the legal profession and both adaptability and innovation should play a leading role for business sustainability.

6.1.3.   High Performers and Peers' Profiles

High performers are envisaged as encompassing human capital surplus, i.e. cognitive abilities and skills, legal education and experience, reputation and relationship with clients (Galanter & Palay, 1990). In fact, they are considered to over perform peers in all dimensions of competence, leading firms to greater knowledge and profit. Albeit support for the existence of talent as a construct exists, enabling differentiation of high performers from peers, evidences of high performers scoring higher than peers in all skills of the lawyer's competency framework were not found. On the contrary, findings

of paper 3 demystify high performers as superheroes. The lawyer's job profile has so much broadened in the new-millennium that only a superhero could fit in the scope. The myth of high performers as being superheroes was debunked by conclusive evidences. Fitting the technical profile that stakeholders valued the most, high-performing lawyers' strengths were found to be related with traditional analytical lawyering skills, such as solving and evaluating problems and investigating issues. Among their strengths, driving success can also be pointed out, in accordance with stakeholders' top ranked skills for career success. However, this strength has an individualistic approach downsize. High-performing lawyers were revealed as lacking supportive approaches, do not excel in structuring skills, which were valued by stakeholders; and, even more important, lack the adaptability for what lies ahead. This is in line with least importance endorsed by stakeholders to skills but it is quite surprisingly, taking in the importance stretched by the literature in relation to adaptability (Duarte, 2015; Harper, 2013; Reeves & Deimler, 2011). A possible explanation may be the individualistic approach displayed by high performers, precluding them to learn from others and from situations. The eager to leave if expectations are not met or if unsatisfied reported by Galpin and Skinner (2004) provide additional inputs on the lack of adaptability. Being highly employable, they may leave in these circumstances instead of adapting approaches. The TM questionnaire in the pilot study revealed that about half of the firms considered that high performers prefer to build the career across firms, pointing to a willingness to succeed that may lead them to leave easily if unsatisfied.

The most salient skill of high performers was creating innovation, which was, also quite surprisingly, overlooked by stakeholders. The ability to address and solve client's problems in an innovative way was unveiled in paper 3 as the holy-grail

of high performance in law firms. High performers are, in a nutshell, innovative analytical drivers. Their profile is in line with the skills that make the profession unique. They master the legal skills developed in the university that have attracted them into the profession in the first place.

High performers' peers, from their side, were unveiled as playing a critical role in quality assurance by managing tasks, upholding standards and producing output. Conversely to high performers, they are more resilient and supportive, embrace change and engage in more adaptable approaches. As such, they convey talents that are worth to identify, develop and retain.

Reasoning skills are of such importance for the lawyering role that no significant differences between high performers and peers were found in study 3. University and firms' admission criteria probably preclude the ones scoring low on abilities to join law firms, leaving, in this case, just 2.9% of low scorers in both verbal and numerical ability tests in the sample, thus causing range-restriction (Hunter & Schmidt, 1990). In fact, the pilot study on TM elucidated that a great majority of firms use ability tests during the recruitment process for identification of cognitive potential, thus selecting for admission the higher scorers.

6.1.4.   Talent Identification Methods

Conversely to the importance indorsed to TM by law firms, answers to the TM questionnaire revealed reduced investment in talent identification methods. The majority of firms do not engage in a formal process for high performers' identification. Among the ones that use a formal process, the majority make use only of appraisals.

Only a minority reported the use of 360 feedback or assessment centers, and none reported combined methods for talent identification.

Performance appraisal was revealed throughout this work as an important methodology for TM, albeit insufficient. Empirical evidences from both papers 1 and 2 support the emergence of a general factor of performance from appraisal ratings that backs up differentiation of lawyers according to overall talent, which consists of one of TM major aims. Additional support for the use of appraisals is provided in paper 2. It was unleashed that performance rankings (based on overall appraisal ratings) are stable over time, in such way that talent prediction is conceded. However, the use of appraisals as unilateral source of TM is not without its critics because it precludes identification of each one's talents. Raters build an image of each ratee's overall performance that is in turn reflected in ratings. Rating biases, in particular the halo effect (Thorndike, 1920) and leniency (Ford, 1931) are acknowledged in appraisal ratings, inflating the overall factor of performance and thus precluding marked differentiation of each one's talents. In paper 1 it was proposed a new approach to talent identification consisting of averaging assessment center ratings with appraisal ratings, for unbiasing purposes. Results confirmed predictive validity of assessment center ratings regarding performance. Lower and more variable ratings, i.e., less biased ratings, provided detailed information regarding each one's talents. Results favoured the new approach adjustment. It was unleashed as the choice model for talent identification, as it allowed differentiation of lawyers according to overall talent and, in addition, it enabled identification of each one's talents, by matching the three broad dimensions of firms' competency framework: hard skills, soft skills and productivity. As these three broad factor of performance resemble the effectiveness factors from Kurz et al. (2009) they

can be extrapolated into most probable leadership styles (Saville et al., 2011) and support lawyers' feedback and development throughout career advancement.

Personality questionnaires may be pointed out as a method for talents' identification and feedback purposes, supplementing performance appraisal and assessment center. Paper 3 uncovered that, albeit being a self-reported tool, important conclusions were able to be drawn regarding high performers and peers' profiles. Information is important for selection, talent identification and talent mapping. In addition, detailed information regarding each one's strengths and weaknesses in relation to a universal competency framework such as Saville's Focus may provide an important benchmark for individuals. Feedback on individual traits underlying skills is critical for awareness and development purposes. The feedback can be enriched with ability tests' results. In paper 3, ability tests were confirmed to be informative for talents' identification. High-performing lawyers scored higher on both verbal and numerical abilities, albeit the difference was not significant. Just a small minority of lawyers scored low in the abilities, which point out to the importance of reasoning skills for the lawyering role and a probable range restriction effect in the sample due to self-selection into law, law school and firms' admission criteria, leaving low scorers behind.

The use of appraisals every year in a row brings redundancy. Ranking every year all lawyers in the same cohort against peers in relation to a broad competency framework was revealed to be a time consuming practice that does not add additional information every year, due to stability of performance. This evidence was unveiled in paper 2 where methods extended beyond static research of performance by including non-linear modelling for simulation and talent prediction. A predictive talent model was proposed and the adjustment was confirmed for the prediction of performance rankings

over time: a feedforward neural network was able to predict performance rankings'

maintenance or change, by taking in the performance ranking, tenure, professional level

and the number of billable hours produced. The neural network revealed to be an

important method for talent prediction in particular in a two year period. Correct

predictions ascended up to 71% in the first years and 67% in the second year. Spare

time was proposed to be invested in feedback for raising awareness and for talents'

development.

6.1.5.   Career in Law Firms

Core to the business model, the traditional career ladder in law firms is

linked with seniority and increased fees supporting ever-higher wages all over the

career. Throughout this thesis it was argued that rather than challenging the up-or-out

career model, the exclusive approach to TM elected by the majority law firms

(emphasizing the role of high performers and overall performance) is a good fit, and

therefore promotes only a minimum of change. One of the conclusions that comes out

from all the studies is that the traditional career model in law firms needs revision. The

up-or-out career model still relies in the assumption that the majority of lawyers are

grinders or producers – according to Nelsons' (1981) designation –, and the small

minority that is able to excel in technical skills and manage teams and the firm while

developing business will make partner. This early assumption ignores the juncture

transformation in the new-millennium that immersed law firms into competitive

deepness. Nowadays, a broad array of skills is required for approaching business, not

only from partners, but from all the lawyers who want to pursuit a career in a law firm.

Stakeholders of the lawyering role confirmed this in paper 3.

High-performing lawyers were demystified as being superheroes over performing peers in all dimensions of competence in paper 3. They are identified among the more technically inclined by stakeholders, fitting lawyer's traditional role. Possibly because legal skills are the profession's differentiator, the halo effects towards other dimensions of performance inflate correlations among skills, resulting in the overrating of soft skills. The inflation of the general factor of performance was revealed in papers 1 and 2.

The exclusive approach to TM fitting the traditional career model does not provide a solution for managing talent and careers towards the millennium requests. Paper 3 suggested a more inclusive approach to TM that promotes the career model revision. Different job profiles are suggested for promoting diversity and assuring business readiness by creating a talent pool integrating lawyers and non-lawyers, i.e. managers from different backgrounds, working together in diverse assembled teams. Paper 2 also pointed towards different appraisal approaches supporting careers. The annual rite of appraisals supporting career advancement was revealed to be unnecessary, as performance rankings are stable over time. The proposed neural network allows for monitoring performance over time and to predict performance rankings' change, thus enabling different solutions for each individual. For instance, senior lawyers whose performance rankings are more stable over time may benefit from a different appraisal approach than junior lawyers whose performance rankings are more likely to change. The same applies to the ones who have more and less stable performance rankings' trajectories.

Evidences from the studies support a career change towards a career backed up by a development plan for each lawyer, per opposition to the up-or-out career model

based exclusively on overall performance ranking's output. A more individualized career may be based on frequent feedback to each lawyer. Feedback on assessment centers' results beyond performance appraisal, personality traits and abilities can be effective for raising awareness and engaging lawyers in career self-management.

Albeit lawyers are described in the literature as professionals valuing autonomy (Richard, 2010), in law firms they are groomed for following rules and are described in the literature as 'herding cats' (Pinnington, 2011). Careers are managed most entirely by the firms (Nelson, 1983) which may explain lawyers' focus on objective reward elements such as promotion, salary and status. Paper 3 proposed that professionals should examine their careers continuously. Strengths and weaknesses for career advancement must be explored, as well as alternative placement. Talents for the lawyering role as well as other talents must be explored in favour of a more aware self. Self-driven careers (Hall, 1996, 2002; Hall & Moss, 1998) may lead to more subjective perception of success and career satisfaction.

6.2.   Strengths, Limitations and Research Avenues for the Future

This project has several strengths, as in-depth analysis of TM in the particular setting of the legal profession. By taking in the particularities of the profession and industry, the frequently addressed criterion problem (e.g. Gratton, 2004) is overcome. An additional strength is the ecological validity of the study. All measures of papers 1 and 2 were relevant to firms' decision-making. In paper 3 the identification of high performers was made by each firm, allowing for surpassing methodological pitfalls of earlier studies considering high performers all the lawyers working in law firms who thrived economic recession and lay-offs. All the firms enrolled were non-

international firms, outside the US and UK, thus overcoming the mainstream biased literature towards a US/UK centric approach (Tansley, 2011) that was identified as a research purpose. The large number of participants enrolled, lawyers and stakeholders of the lawyering role, from twenty-nine law firms in the pilot study and twelve firms (five from North, Central and South Europe and seven from Latin American) in the three papers consisted of an additional strength. The number of participants in each one of the countries, however, precluded comparison, which may be interesting to address in future research, as well as a comparison with international firms from the US and UK.

Comparisons by talent level were precluded from paper 1 because the firm did not acknowledge it. As such, verification of the adjustment of the proposed approach for different groups of lawyers according to talent was prevented and should be verified in the future.

A different strength results from the combination of talent identification methods used in the studies (performance appraisal, assessment center, job profiler, personality questionnaire, ability tests), thus contributing for more supported results. The job profiler, personality questionnaire and ability tests were drawn from Saville's Consulting portfolio, consisting of a universal competency framework, including key competencies and abilities applicable to a wide range of jobs and organizations in the new-millennium, thus introducing a contemporary understanding of demands for present-day professions. The framework is well-researched in terms of applicability for recruitment, assessment and development (Saville et al., 2009). The framework was developed using a centric criterion strategy that selected the best criterion-related validity items (Saville et. al, 2009) and links to conspicuous models such as the Big Five (see Barrick & Mount, 1991) and Great 8 (Bartram, 2004). The availability of the

tools in several languages allowed for participants' answer in their native languages. However, as just one competency framework was used, future research should replicate studies with different tools for generalizability. An additional limitation emerging from the Saville's tools relates with self-reporting measures. Self-reported measures as personality questionnaires are particularly prone to common method variance because the independent and dependent variables are rated by the same individual (Howitt & Cramer, 2005). However, Spector (2006) revealed that critics surround the use of self-reported measures are overestimated. In fact, the predictive validity of personality in relation to performance has been well established (Barrick & Mount, 1991; Judge et al., 1995, 2002; Saville et al., 2009). In standardization samples high validity of Focus Styles against measures of job performance (0.45) was revealed. Consisting of a dynamic normative-ipsative rate-rank format, combining a rating response format with a forced-choice ranking format, decreases the matching socially desirable behaviours that may occur and is frequently pointed out to self-reported measures (Podsakoff et al., 2003).

A major strength of the project consists on proposing an innovative approach for talent identification as well as the inclusion of a mathematical model for supporting prediction of performance rankings that may be used by practitioners. The confirmation of assessment center's predictive validity in relation with performance is a plus. The new approach consisting of averaging appraisal ratings and assessment center ratings is supported both for recruitment and talent identification. Methods on this project moved beyond static research of performance by including non-linear modelling for performance-ranking simulation and talent prediction, thus opening new avenues for research. Although replication is required with broader samples, the contribution for

advancement, both theoretical and practical, is evident. In the future, approaches combining the TM field and mathematics should be ever-explored. For example, it would be important to apply simulation models to verify the adjustment of different performance appraisal methods. Models that may combine organizational features, such as financials and profit and individual performance's prediction could be of great benefit for practitioners and would add to the legal profession literature.

Several limitations can be pointed out to the project, beyond the ones already mentioned. Five, in particular, warrant mention, while additional avenues for future research will be pointed out. The first limitation consists on the inclusion of participants from the same firm (paper 1 and 2), which may preclude generalization of results because of common method variance, this is the well-known influence of contextual factors on the measures, causing systematic covariation (Podsakoff et al., 2003; Shadish, Cook & Campbell, 2002). Conversely, in study 3, the integration of samples from different firms, introduced extra heterogeneities, as organizational size and culture (Fowler, 2002; Trochim & Donnelly, 2007). Only future replication with broader and diverse samples may allow for generalizability.

A second limitation relates with range restriction for all the samples, but in particular the senior-lawyer sample of paper 1, because low performers were unlikely to be included because they might left the firm promptly. The range restriction effect was also evident in the sample of paper 3, where weakened correlations between abilities and performance were revealed (very few low scores on abilities). This effect has been reported in highly skilled workers samples (Schmidt & Hunter, 2004), where reasoning skills are critical to success since university. The frequent use of ability tests during recruitment over narrow the samples and preclude predictive validity of abilities in

relation to performance (Pfeffer & Sutton, 2006b). This effect probably reduced correlations among variables (Sackett & Yang, 2003; Schmidt & Hunter, 2004). The request for firms not to include low performers in the study 3 might have also contributed for an overly narrowed sample.

The third limitation is the use of non-probability samples, in particular in paper 3 that can lead to the incorporation of biases. The main reason for the use of non-probability samples option was the very hard to reach population. Club Abogados' twelve firms provided the data but were unwilling to allow a direct contact with partners and in particular with lawyers, even for academic purposes. For this reasons, firms and countries were not identified. Confidentiality were requested by all the firms, which was assured following the procedures recommended by Podsakoff et al. (2003). For assuring participants' anonymity, the HR departments selected the partners participating as stakeholders and lawyers for two samples: the most talented lawyers and their peers. To reduce heterogeneity of selection according to own criteria, firms were provided with Cope's (1998) definition of most talented individuals adapted for the context of law firms: 'Individuals (lawyers) within the organization (firm) who are recognized as the organization's likely future leaders (partners)'. A guide for selection of participants for a balanced sample in terms of gender, professional level and performance were provided to the firms, but the firms that did not make the response mandatory were unable to assure it. Links to the questionnaires in paper 3 were sent by the HR departments. Albeit in such situation the procedure is acknowledged, it may happen that the same profile of individuals is excluded from the samples, generating over-representation in the sample. The questionnaire for high performers and peers was the same in study 3. All the participants received a report via the HR. However, the talent

category as labelled by the organization was not disclosed, as agreed with firms because this was against the policy. Linked to this situation is a research opportunity that explores the effects (for both lawyers and firms) and ethical dilemmas (van Buren, 2003) of communicating lawyers' talent level. The limitation to access participants is difficult to address by researchers. In the future, a way of improving the sampling process may be through involvement of HR professionals in the research field. This may overcome access constraints and it is a way of surpassing the fourth limitation, consisting of non-direct contact with participants.

All data collected in the studies come from administrative records and online answering. No face-to-face interviews were allowed, which would be of great value for exploring some of the results. For instance, career preferences of both high-performing lawyers and their peers is a relevant theme precluded from being explored in this project. Future research should address this topic. Firms have also prevented contact with clients, who are important stakeholders of the lawyering role. In the future, the enrolment of additional stakeholders, such as clients and universities will be a plus for a 360 vision about the lawyering role. Beyond dimensions for career success, the factors contributing for career derailment at law firms may be of particular relevance and might be explored in the future. For example, it would be important to examine whether the lack of lawyers' adaptability evidenced in this study may represent a peril for career success.

The fifth limitation refers to the causal inference precluded from being established, in particular in paper 1 and 3, where cross-sectional designs were followed (Podsakoff et al., 2003). Application of longitudinal designs are a challenge but worth to implement in the future. The longitudinal design in paper 2, for instance, allowed for

confirmation of the general factor of performance revealed in the paper 1 and analysed the adjustment of a talent predictive method over time, which was impossible to address with a cross-sectional design. The combination of cross-sectional and longitudinal designs can, indeed, be highlighted as a project's strength.

Recent evidence of the role of innovation for law firms, revealed in rankings for most innovative deals, firms and individuals (e.g. Financial Times' ranking) and confirmed in this project (creating innovation was the competency that distinguishes high performers from peers the most) appeal to research on the role of innovation for individual and organizational performance. We suggest the understanding of individuals' contribution to firms' innovation according to one's talents.

There are inconsistent evidences between literature on millennium generation's work life balance willingness (this is not prioritizing work over other themes of life, e.g. Coffee, 2006) and empirical studies revealing that for young graduates from elite law schools the profession is still the most important theme of their lives, making them amenable to invest long hours and effort for thriving in their careers (e.g. Henderson & Zaring, 2007). Research examining the contradiction is required because of linkage with TM and careers.

Research that links TM with recruitment as well as with development is worth to invest. The lack of clarification of talent has led to overutilization of the word in relation with recruitment and development, many times referring to the traditional practices. The clarification introduced in this project may open the doors for new research conducting to targeted practices for TM in the lawyering setting.

Outputs of a different career approach and the relation with firms' attractiveness and talent retention rates, profit and prestige must be explored. Different

career approaches that benefit firms and lawyers while preserving the law firm career allure are difficult to conceive but important to develop. The profession is now business-like, and alternative billing arrangements are being required by clients. Technology and artificial intelligence are beyond doors. Research that anticipates these impacts on TM will be welcomed by scholars and outputs critical for practitioners.

Chapter 7

Practical Implications: A Talent Management Framework for Law Firms

The major aim of this last chapter consists of addressing the practical implications that may be withdraw from the studies findings. A TM definition for law firms is proposed, underlying a TM framework. The use of the framework by practitioners is conceded by tailoring it to firm's strategic goals and culture. The TM framework is presented in Figure 12.

The proposed TM definition aims at surpassing contradictory approaches and the lack of consensual definitions in the literature revealed in firms' answers to the TM questionnaire. TM purpose in law firms should be twofold. First, it should address attracting, retaining and developing the most talented lawyers with disproportionate value and disparate contributions to firms' recession survival (Cappelli, 2000; Gallardo-Gallardo et al., 2013; Sturman, 2003); and second, it should relate to promoting awareness and developing each one's talents for the building of a knowledgeable and diverse workforce, thus increasing business readiness (Buckingham, 2005; Yost & Chang, 2009). Such a purpose bridges the exclusive approach to talent traditionally adopted by law firms, fitting in the linear up-or-out career model that aims at selecting high performers for career advancement and reward, with a more inclusive approach to talent, which relies in the talents of the total workforce. In combination, the purposes address building a diverse pipeline of talented lawyers—aware of own talents, prepared to develop the business, and ready to cope with change—where lawyers manage own careers and the most talented are entitled to a career that points to partnership. Bridging

exclusive and inclusive approaches, an integrated TM definition in the context of the legal profession is proposed:

Talent management in law firms consists of the identification and management of a diverse pool of talent, integrating the most talented individuals and the talents of the workforce, thus contributing for business readiness and sustainability.

TM should guide practices such as recruitment, assessment, reward, development and career management. For the implementation of the TM framework the first step should be the definition or revision of the firm's competency framework. Considering the fast-changing markets, this process should be done from time to time. The building of the competency framework may be supported by a tool such as the Job Profiler (backed up by a universal framework, as the one used in paper 3) for the identification of the most and least critical competencies and abilities for career success in law firms, taking in the economic juncture, competitors and strategic goals. The most critical competencies for career success should embed the competency framework. It is known that law firms are keener to keep up with the reference firms when implementing business procedures than to creating own distinctive practices (Mottershead, 2010). We sustain that creating own competency framework fitting in the external setting and firm's specificities will be a plus. For a broader perspective, including inputs from stakeholders such as clients, the Bar, and law and management schools would be a plus. In reverse, law schools, which are mainly focused on the development of legal skills and are not changing as much as they should to meet the new normal demands (Harper, 2013; Susskind, 2013) would also benefit from participation in a strategic reflexion of critical skills for success in the lawyering role and career advancement. The same applies to the Bar.
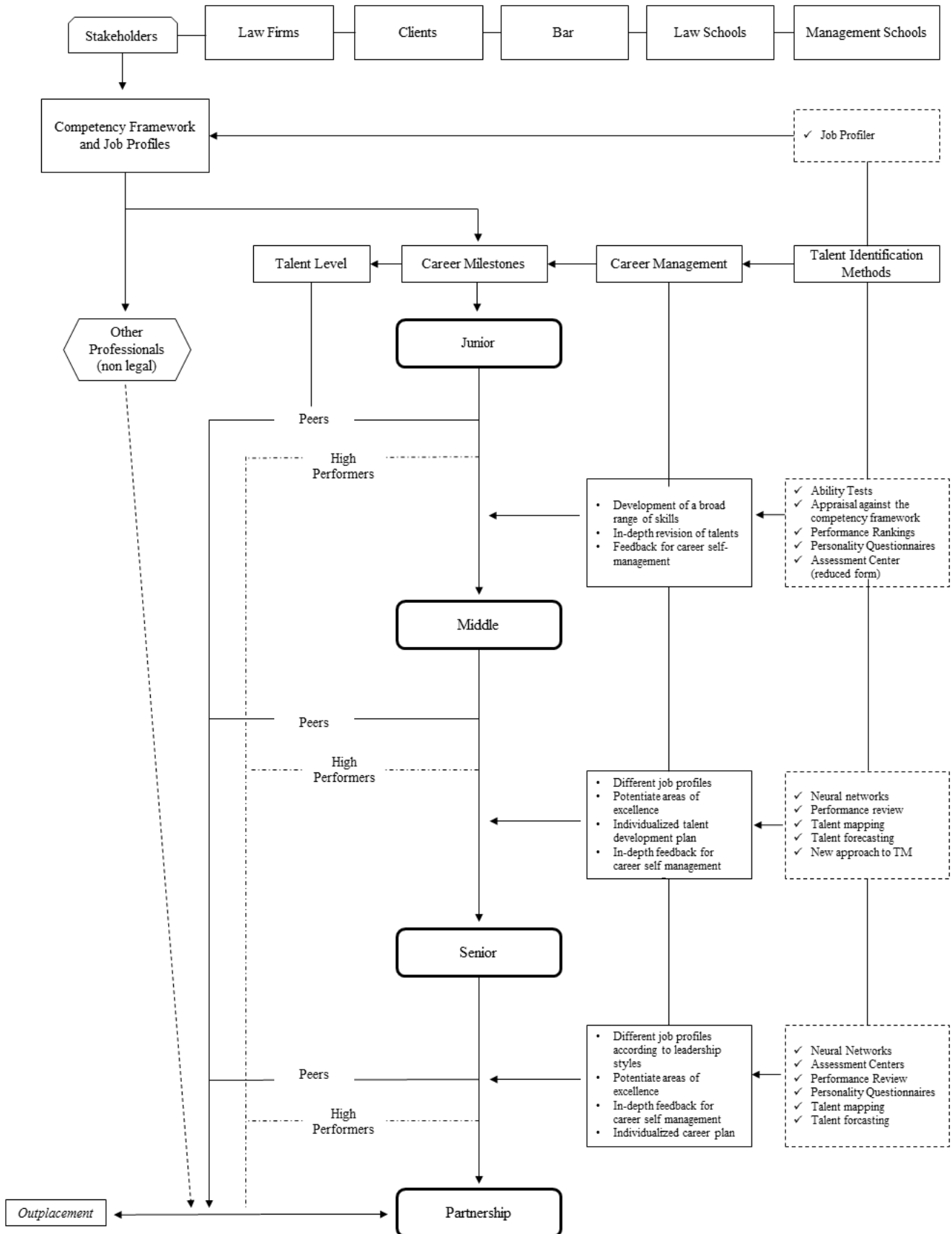
Figure 12. Talent Management Framework for Law Firms.

Because the lawyering role is complex and the environment changes in a fast fashion, hard skills and legal knowledge remain compulsory for the profession, but do not suffice at addressing new-normal challenges (Duarte, 2015). We propose a broad competency framework, including the three dimensions – hard skills, soft skills and productivity – revealed to be the apex of lawyers' performance in paper 1. The role of innovation was stretched in paper 3 for succeed performance, in line with recent literature revealing this competency as being both the most important and most difficult to embrace in law firms. Thus, we strongly recommend the inclusion of innovation in law firms' frameworks. However, the definition of innovation must be tailored for each law firm.

We propose to assess junior lawyers against all the skills of the competency framework. It is important to strengthen the development of a broad range of skills that may be useful in the future. It is also important to let room for junior lawyers to learn from on job experience and to display performance in a broad array of competencies, having feedback and getting to know more about themselves, their strengths and their weaknesses, before deeper investment is made in areas of excellency. In practical terms, it is suggested to maintain the procedure of ranking junior lawyers according to the same job profile in the first years of practice, thus supporting the identification of the most talented for the lawyering role (papers 1 and 2). This is in accordance with less stable performance rankings in junior years (paper 2), in line with Kanfer and Ackerman's (1989) model, highlighting the lowest performance stability scores to the youngest workers, as they are in a learning phase.

By the end of the more intense learning phase, this is, the end of the junior professional level, we argue for an in-depth revision of each one's talents. We suggest

investment in in-depth feedback for making lawyers aware of career prospects, strengths

and weaknesses but, more importantly, to make them owners of their career

management and professional future. We propose personality questionnaires such as the

Focus Styles used in this project (paper 3) as a supporting tool that enables detailed

feedback on personality traits and potential for performance. Ability tests (for example

the Swift Analysis of Aptitude used in the paper 3) may provide relevant information

regarding cognitive potential that is of particular importance for hard skills. As an

alternative or a plus, a reduced form of assessment center may be beneficial for

feedback purposes. Dimensions such as evaluating issues, finding solutions, drafting,

firm focus, leadership and achievement focus may be important to assess, as they were

revealed as significant in the talent identification model (paper 1). The progress for the

next career step will be better supported as well as decision-making regarding different

careers inside or outside the firm.

Lawyers who thrive for the learning phase become middle associates. From

this professional level onwards we propose engaging in a job profile matching their

strengths and that emphasizes the contribution with the most salient talents applicable in

the firm. Drawn from the competency framework, lawyers' job profiles may be defined

according to the three effectiveness factors of Saville et al.'s (2009) that are the apex of

all dimension of performance, and are related with the three dimensions of lawyering:

hard skills might relate to promoting change as both relate to demonstrating potential

and to a pioneering approach, soft skills might relate to working together because both

express a people-focused approach, and productivity might relate with demonstrating

capability since both relate to task and expert approaches (paper 1). For each lawyer, an

individualized talent development plan can be agreed according to most relevant talents,

fitting in a different job profile. For the firm, a talent mapping is made possible. When lateral hiring is required, a tailor-made recruitment process can be developed, aiming to find the one who have complementary talents to the team.

Results steaming from our project revealed that more stable performance rankings are expected from the middle professional level upwards (paper 2). Thus, ranking lawyers every year in this career level is unnecessary because redundant. We propose the use of neural networks for performance rankings' prediction. The ones whose performance ranking is likely to change may benefit from an in-depth performance review; but the majority, the ones whose performance ranking is unlikely to change will benefit more from feedback and revision of individualized targets rather than from performance ranking. Partners may be invited to re-invest the time spared in rankings in an individualized approach centered on feedback and objectives agreement.

By the ending of the middle associate level, a second career milestone is completed. A formal in-depth revision of performance and potential is suggested. Insights from our work preclude performance appraisal as a unique method for talent identification in senior levels. Although it should be a leading method for TM, therefore preventing hardly manageable double perspectives that may occur when appraisal and assessment are used in separate, additional assessment methods that may unbiase ratings should be welcomed by practitioners. We propose a new approach to talent identification in this milestone, consisting of averaging appraisal ratings and assessment center ratings. Assessment centers, consisting of multiple simulation exercises led by external consultant with no previous knowledge regarding participants, were revealed in this work (paper 1) to provide lower and more variable ratings than appraisals, suggesting less influence of leniency and the halo effect (Thorndike, 1920), bias that

inflate the general factor of performance in appraisal ratings, thus preventing the identification of relative talents. Assessment center ratings combined with appraisal ratings enable the identification of the most talented lawyers and each one's talents according to different job profiles.

The senior lawyer career level consists of the ultimate career milestone before the partnership and, in many firms, the last years in the firms if the partnership is not accessed. An individualized development plan that takes in the several dimensions of each lawyer as an individual (i.e. family, interests outside work, as academic, sportive, associative, cultural, social, artistic interests, and so on) should be undertaken, and that may culminate in informed and agreed outplacement. In the context of fast-change and shrinking partnership prospects (Forstenlechner & Lettice, 2008), lawyers must acknowledge their potential for managing their own career towards best fit (Hogan & Holland, 2003). As the three effectiveness factors resemble leadership styles, it is possible to map also the most probable leadership styles of each lawyer and to prepare senior lawyers to exert leadership according to each one's style. More than appraisals that are relatively stable in this career point (seniority is an important performance ranking predictor), definition of individualized career paths for each lawyer according to most probable contribution for firms' success might be the cornerstone of successful change. Firms may continue to use neural networks for performance ranking prediction. Additional predictors of performance ranking beyond seniority are tenure, the number of billed hours and performance ranking change. Thus, firms should be particularly aware of new comers, as they have less tenure, the ones who decrease the number of billed hours and the ones who have less stable performance rankings' trajectories. Less stable performance trajectories in the past will probably revert into less stable

performance trajectories in the future, as past performance is the best performance predictor (Sturman, 2007).

A very alive career can be found in law firms, which is core to the business model and expresses quality, meritocratic practices, status and excellence (Wilkins & Gulati, 1998). The concept of career success is linked to the concept of winning the tournament for partnership (Stumpf, 2002), which is until now considered as "the optimal legal form of governance for professionals" (Empson, 2007, p. 11). Law firms are knowledge intensive organizations composed by highly-educated and highly-skilled workers who work long and expensive hours that may be not amenable to invest disproportionately in work in detriment of other dimensions of life for a role different from partner. Firms, in particular the big and international ones, are the most fashionable and sophisticated places to play the lawyering role, dealing with the most complex problems and establishing the profession standards (Galanter & Palay, 1990, 1994; Schiltz, 1999). The partnership model merges the productive, managerial and owner roles in partners hands allowing for high power, status and revenue (Gabarro, 2007; von Nordenflycht, 2010). Career towards partnership is highly attractive to lawyers since the law school, being law firms the top destinations for law students, aware of the high wages supported by high hourly rates (Castan & Paterson, 2010; Pinnington, 2013; Thornton, 2012). The partnership arrangement is a successful business model that allowed firms to grow fast after the Second World War. It is linked with great profit and high impact on economy, including employment, thus should be preserved. Even after the new-millennium troubled times, law firms were among the few industries that were willing to growth through adjustment of the headcount and

costs. In fact, a positive relationship between organizational performance and partnership exists (Durand & Vargas, 2003; Greenwood, 2003; Greenwood et al., 2007).

The TM framework proposed in this chapter does not impose a revision of the business model in law firms. In fact a major challenge of implementation of the TM paradigm relates to revision of the career model while maintaining law firms' allure. We support such an option. The proposed movement towards a more inclusive TM approach in law firms that can be linked both to valuation of different profiles from the analytical, and the broadening of the career success concept towards subjective elements. In what concerns the movement towards different profiles, the identification of the most talented for playing different roles is highlighted. This is of particular importance from middle associate level onwards. Firms may benefit from a combination of different profiles, thus becoming readier for dealing with unexpected changes. The inclusion of non-lawyers in the team is upheld. Integrating managers with different backgrounds could be a smart option for ever-broadening strengths in law firms. The possibility of becoming partners since the Legal Act of 2007 opens the avenue for the attraction of the most talented individuals from different backgrounds. This is an option that takes in the more analytical and introvert profile of the ones that are attracted into the law (Richard, 2010).

In what concerns the career success movement toward more subjective elements, literature posits career success as the gathering of benefits and psychological outcomes resulting from engagement in work (Seibert & Kraimer, 2001), but in law firms the emphasis relies on objective elements of the gains, such as salary increases, promotions, bonuses and benefits, undervaluing the subjective perception of success and career satisfaction (Ng et al., 2005). Lawyers perceive law firms' climber career

type (Sturges, 1999) as the synonymous of career success, tied with objective reward

elements such as status and compensation. Lawyers are precluded from managing own

careers, being careers managed, in most cases, only by the firm. A profile that all should

fit is a common place. The TM framework proposed seeks to review lawyers' careers

towards the definition of a long-term career plan (for partnership or a different role,

inside or outside the firm) through engagement of lawyers in career self-management.

Changing careers from unilateral management by the firms towards more protean career

types could be of great value for improving lawyers' career ownership. Lawyers'

protean careers, driven by career success motivation, underlined by self-directed,

personal values-driven and individual accountability, as described by Hall (2002), are

only possible with great investment in feedback of strengths and weaknesses for

awareness and informed options. For this purpose, the investment in talent identification

methods throughout the career is indispensable. The definition of targets and

performance review according to each one's strengths is in line with such option. Firms

should contribute for promoting lawyers' adaptability and a whole-life career

perspective for overcoming non-security downside of careers in law firms. Helping

lawyers transform events into opportunities (Savickas et al., 2009) is of great value both

for firms and individuals, because the new context requires permanent examination of

own potential and performance for planning for an uncertain future (Duarte, 2015). The

lack of career ownership may preclude lawyers' development of the adaptive strengths

pointed by Savickas et al. (2009) as critical to cope with the new millennium

challenges. The partnership will remain restricted to a small minority. Thus, addressing

alternative careers outside the firm should be discussed in performance reviews.

Patterning past memories, present experiences and future aspirations into a life theme is

of particular importance for lawyers who find themselves with a leaving prospect and who need to find a different career, many times as in-house lawyer of a commercial company, that does not have a glamorous career track available for lawyers, and where lawyering is not at the core business.

We favour the contribution of psychologists in law firms for supporting the introduction of this new paradigm. Supporting partners in appraisals and feedback, and in particular career management would be beneficial. Making partners aware of biases towards valuation of technical skills over managerial skills is just one of the important tasks to address. Stakeholders were revealed in this project not only to overvalue traditional legal skills for career success but, in accordance, to identify the high performers among the most technically inclined (paper 3). Preventing the building of a narrow pool of individuals with a similar profile that advance throughout the career and make partner, and which may possibly perpetuate the same criteria as the most relevant for career success, is a critical role for psychologists to take.

It is not to say that analytical skills are not critical. The legal dimension makes the profession unique and stakeholders of the lawyering role highlighted this in paper 3 by valuing verbal ability as one of the most critical skills for lawyers' career success, by opposition to numerical ability. But the assessment of this dimension can be made early in the career. For instance, during the junior level, lawyers who excel in legal skills can be identified. Moreover, during the recruitment process of trainees, ability tests, such as Swift Analysis used in paper 3, can assess the analytical potential. Notwithstanding, firms should consider both the results of verbal and numerical ability tests. Taking in the managerial role awaiting lawyers, the same weight should be given to the results in both ability dimensions.

Supporting lawyers managing own career would be also a critical role for organisational psychologists working in law firms. Lawyers have been groomed for advance through a career ladder defined only by the firm, and adaptability was revealed to be out of high performers' strengths (paper 3). As such, engaging lawyers in career self-management is probably one of the hardest tasks but worth to implement for TM full implementation.

References

Aamodt, M. G. (2004). *Research in law enforcement selection.* Boca Raton, US: Brown Walker.

Ackerman, P. L. (1987). Individual differences in skill learning: An integration of psychometric and information processing perspectives. *Psychological Bulletin*, *102*(1), 3–27. doi: 10.1037/0033-2909.102.1.3

Ackerman, P. L. (1992). Predicting individual differences in complex skill acquisition: Dynamics of ability determinants. *Journal of Applied Psychology*, *77*(5), 598–614. doi: 10.1037/0021-9010.77.5.598

Aguinis, H., Gottfredson, R. K., & Joo, H. (2012). Delivering effective performance feedback: The strengths-based approach. *Business Horizons*, *55*(2), 105–111. doi: 10.1016/j.bushor.2011.10.004

Alessandri, G., & Borgogni, L. (2015). Stability and change of job performance across the career span. *Human Performance*, *28*(5), 381–404. doi: 10.1080/08959285.2015.1021047

Anand, N., Gardner, H. K., & Morris, T. (2007). Knowledge-based innovation: Emergence and embedding of new practice areas in management consulting firms. *Academy of Management Journal*, *50*(2), 406–428. doi: 10.5465/AMJ.2007.24634457

Angel, T. (2007). Sustaining partnership in the twenty-first century: The global law firm experience. In L. Empson (Ed.), *Managing the modern law firm* (pp. 196–217). Oxford, UK: Oxford University Press.

Arnold, J., & Cohen, L. (2008). The psychology of careers in industrial-organizational settings: A critical but appreciative analysis. *International Review of Industrial and Organizational Psychology*, *23*, 1–44. doi: 10.1002/9780470773277.ch1

Arthur, M. B., & Rousseau, D. M. (1996). The boundaryless career as a new employment principle. In M. B. Arthur & D. M. Rousseau (Eds.), *The boundaryless career* (pp. 3–20). New York, US: Oxford University Press.

Arthur, W. Jr., Day, E. A, McNelly, T. L., & Edens, P. S. (2003). A meta-analysis of the criterion-related validity of assessment center dimensions. *Personnel Psychology*, *56*(1), 125–154. doi: 10.1111/j.1744-6570.2003.tb00146.x

Ashton, C., & Morton, L. (2005). Managing talent for competitive advantage: Taking a systemic approach to talent management. *Strategic HR Review*, *4*(5), 28–31. doi: 10.1108/14754390580000819

Austin, J. T., Humphreys, L. G., & Hulin, C. L. (1989). Another view of dynamic criteria: A critical reanalysis of Barrett, Caldwell, and Alexander. *Personnel Psychology*, *42*(3), 583–596. doi: 10.1111/j.1744-6570.1989.tb00670.x

Axelrod, B., Handfield-Jones, H., & Michaels, E. (2002). A new game plan for c players. *Harvard Business Review*, *80*(1), 80–88.

Baden-Fuller, C., & Bateson, J. (1990). Promotion strategies for hierarchically organized professional service firms: Is 'up or out' always the best? *International Journal of Service Industry Management*, *1*(3), 62–78. doi: 10.1108/09564239010135156

Baltes, P. B., & Baltes, M. M. (1990). Psychological perspectives on successful aging: The model of selective optimization with compensation. *Successful Aging:*

Perspectives from the Behavioral Sciences, *1*(1), 1–34. doi:

10.1017/CBO9780511665684.003

Balzer, W. K., & Sulsky, L. M. (1992). Halo and performance appraisal

research: A critical examination. *Journal of Applied Psychology*, *77*(6), 975–985. doi:

10.1037/0021-9010.77.6.975

Barrett, G. V., Caldwell, M. S., & Alexander, R. A. (1985). The concept of

dynamic criteria: A critical reanalysis. *Personnel Psychology*, *38*(1), 41–56. doi:

10.1111/j.1744-6570.1985.tb00540.x

Barrett, G. V., Caldwell, M. S., & Alexander, R. A. (1989). The predictive

stability of ability requirements for task performance: A critical reanalysis. *Human

Performance*, *2*(3), 167–181. doi: 10.1207/s15327043hup0203_2

Barrick, M. R., & Mount, M. K. (1991). The Big Five personality dimensions

and job performance: A meta-analysis. *Personnel Psychology*, *44*(1), 1–26. doi:

10.1111/j.1744-6570.1991.tb00688.x

Bartram, D. (2004). Assessment in organisations. *Applied Psychology: An

International Review*, *53*(2), 237–259. doi: 10.1111/j.1464-0597.2004.00170.x

Beale, M. H., Hagan, M. T., & Demuth, H. B. (1992). *Neural Network

Toolbox™ User's Guide.* Natick, US: MatWorks.

Beechler, S., & Woodward, I. C. (2009). The global 'war for talent'. *Journal of

International Management*, *15*(3), 273–285. doi: 10.1016/j.intman.2009.01.002

Berger, J., Harbring, C., Sliwka, D., Harbring, C., & Sliwka, D. (2013).

Performance appraisals and the impact of forced distribution – An experimental

investigation. *Management Science*, *54*(1), 54–68. doi: 10.1287/mnsc.1120.1624

Berman, L., & Bock, H. (2012). Developing attorneys for the future: What can we learn from the fast trackers? *Santa Clara Law Review*, *52*(3), 875–897.

Björkman, I., Ehrnrooth, M., Mäkelä, K., Smale, A., & Sumelius, J. (2013). Talent or not? Employee reactions to talent identification. *Human Resource Management*, *52*(2), 195–214. doi: 10.1002/hrm.21525

Bock, H., & Berman, L. (2011). Learning and billable hours: Can they get along? *T+D*, *65*(2), 56–61.

Bol, J. C. (2011). The determinants and performance effects of managers' performance evaluation bias. *Accounting Review*, *86*(5), 1549–1575. doi: 10.2308/accr-10099

Boon, A., Duff, L., & Shiner, M. (2001). Career paths and choices in a highly differentiated profession: The position of newly qualified solicitors. *The Modern Law Review*, *64*(4), 563–594. doi: 10.1111/1468-2230.00339

Borman, W. C., White, L. A., & Dorsey, D. W. (1995). Effects of ratee task performance and interpersonal factors on supervisor and peer performance ratings. *Journal of Applied Psychology*, *80*(1), 168–177. doi: 10.1037/0021-9010.80.1.168

Boudreau, J. W., & Ramstad, P. M. (2005). Talentship, talent segmentation, and sustainability: A new HR decision science paradigm for a new strategy definition. *Human Resource Management*, *44*(2), 129–136. doi: 10.1002/hrm.20054

Bouchard, T. J. Jr. (1998). Genetic and environmental influences on adult intelligence and special mental abilities. *Human Biology*, *70*(2), 257–279.

Boxall, P., & Purcell, J. (2011). *Strategy and human resource management* (3rd edition). New York, US: Palgrave Macmilan.

Boyatzis, R. E. (2008). Competencies in the 21st century. *The Journal of Management Development*, *27*(1), 5–12. doi: 10.1108/02621710810840730

Brittain, S. (2005, August). Talent: How to put it to good use. *The Lawyer*, *21*. Retrieved from https://www.thelawyer.com/issues/15-august-2005/talent-how-to-put-it-to-good-use/

Brousseau, K. R., Driver, M. J., Eneroth, K., & Larsson, R. (1996). Career pandemonium: Realigning organizations and individuals. *Academy of Management Executive*, *10*(4), 52–66. doi: 10.5465/AME.1996.3145319

Buckingham, M. (2005). What great managers do. *Harvard Business Review*, *83*(3), 70–79.

Buckingham, M., & Vosburgh, R. M. (2001). The 21st century human resources function: It's the talent, stupid! *Human Resource Planning*, *24*(4), 17–23.

Byham, W. C. (2001). *What's happening in assessment centers around the world*. Paper presented at 29th International Congress on Assessment Center Methods. Frankfurt, Germany.

Campbell, I., & Charlesworth, S. (2012). Salaried lawyers and billable hours: A new perspective from the sociology of work. *International Journal of the Legal Profession*, *19*(1), 89–122. doi: 10.1080/09695958.2012.752151

Campbell, I., Charlesworth, S., & Malone, J. (2012). Part-time of what? Job quality and part-time employment in the legal profession in Australia. *Journal of Sociology*, *48*(2), 149–166. doi: 10.1177/1440783311408970

Cappelli, P. A. (1999). *The new deal at work: Managing the market driven workforce*. Boston, US: Harvard Business School Press.

Cappelli, P. A. (2000). Market-driven approach to retaining talent. *Harvard Business Review*, *78*(1), 103–111.

Carifio, J., & Perla, R. J. (2007). Ten common misunderstandings, misconceptions, persistent myths and urban legends about likert scales and likert response formats and their antidotes. *Journal of Social Sciences*, *3*(3), 106–16. doi: 10.3844/jssp.2007.106.116

Carmichael, L. (1983). Firm-specific human capital and promotion ladders. *Bell Journal of Economics*, *14*(1), 251–258. doi: 10.2307/3003551

Cascio, W. F, & Aguinis, H. (2011). *Applied psychology in human resource management*. Englewood Cliffs, US: Prentice-Hall.

Castan, M., & Paterson, J. (2010). From supergirl to invisible woman: The divide between student perception and professional reality in corporate legal practice. *Alternative Law Journal*, *35*(3), 138–141. doi: 10.1177/1037969X1003500302

Cattell, R. (1965). *The scientific study of personality*. London, UK: Pelican.

Chamberlain, M. K. (1988). *Women in academe*: *Progress and prospects*. New York, US: Russell Sage Foundation.

Chan, J. (2014). Conceptualising legal culture and lawyering stress. *International Journal of the Legal Profession, 21*(2), 213–232. doi: 10.1080/09695958.2015.1016029

Cheese, P., Thomas, R. T., & Craig, E. (2008). *The talent powered organization: Strategies for globalization, talent management and high performance*. London, UK: Kogan Page.

Christ, T. J., & Boice, C. (2009). Rating scale items: A brief review of nomenclature, components, and formatting to inform the development of direct

behavior rating (DBR). *Assessment for Effective Intervention*, *34*(4), 242–250. doi: 10.1177/1534508409336182

Coffee, J. C. (2006). *Gatekeepers: The role of the professions in corporate governance*. Oxford, UK: Oxford University Press.

Cohen, J., & Cohen, P. (1983). *Applied multiple regression/correlation analysis for the behavioral sciences*. Hillsdale, US: Lawrence Erlbaum Associates.

Collin, A., & Watts, A. G. (1996). The death and transfiguration of career–and of career guidance? *British Journal of Guidance & Counselling*, *24*(3), 385–398. doi: 10.1080/03069889608253023

Collings, D. G., & Mellahi, K. (2009). Strategic talent management: A review and research agenda. *Human Resource Management Review*, *19*(4), 304–313. doi: 10.1016/j.hrmr.2009.04.001

Collins, J. (2001). *Good to great*. New York, US: Harper Collins.

Conway, J. M., & Huffcutt, A. I. (1997). Psychometric properties of multisource performance ratings: A meta-analysis of subordinate, supervisor, peer, and self-ratings. *Human Performance*, *10*(4), 331–360. doi: 10.1207/s15327043hup1004_2

Colvin, G. (2010). *Talent is overrated: What really separates world-class performers from everybody else*. New York, US: Penguin Group.

Cope, F. (1998). Current issues in selecting high potentials. *Human Resource Planning*, *21*(3), 15–17.

Costa Jr., P. T., & McCrae, R. R. (1988). Personality in adulthood: A six-year longitudinal study of self-reports and spouse ratings on the NEO Personality Inventory. *Journal of Personality and Social Psychology*, *54*(5), 853-863. doi: 10.1037/00223514.54.5.853

Cullen, R. (2009). *The leading lawyer: A guide to practicing law and leadership*. West, St. Paul, US: Thomson Reuters.

Daicoff, S. (2004). *Lawyer, know thyself: A psychological analysis of personality strengths and weaknesses*. Washington, US: American Psychological Association.

Dardent, T. (2009). The law firm castle system: Constructing a bridge between workplace equity theory & the institutional analyses of bias in corporate law firms. *Berkeley Journal of Employment and Labor Law*, *30*(1), 85–132.

Davies, B., & Davies, B. J. (2010). Talent management in academies. *International Journal of Educational Management*, *24*(5), 418–426. doi: 10.1108/09513541011055983

Davis, I. (2009). The new normal. *Mckinsey Quarterly*, *3*, 26–28.

Dinovitzer, R., Gunz, H., & Gunz, S. (2014). Corporate lawyers and their clients: Walking the line between law and business. *International Journal of the Legal Profession*, *21*(1), 3–21. doi: 10.1080/09695958.2014.977792

Dries, N. (2009). Antecedents and outcomes in careers of high potentials, key experts and average performers. *Academy of Management Annual Meeting*, 1–6. doi: 10.5465/AMBPP.2009.44246737

Dries, N., & Pepermans, R. (2007). Using emotional intelligence to identify high potential: A metacompetency perspective. *Leadership & Organization Development Journal*, *28*(8), 749–770. doi: 10.1108/01437730710835470

Dries, N., & Pepermans, R. (2008). 'Real' high-potential careers: An empirical study into the perspectives of organisations and high potentials. *Personnel Review*, *37*(1), 85–108. doi: 10.1108/00483480810839987

Dries, N., van Acker, F., & Verbruggen, M. (2012). How 'boundaryless' are the careers of high potentials, key experts and average performers? *Journal of Vocational Behavior*, *81*(2), 271–279. doi: 10.1016/j.jvb.2011.10.006

Drotter, S., Charan, R., & Noel, J. (2000). *The leadership pipeline: How to build the leadership powered company.* San Francisco, US: Jossey-Bass.

Drucker, P. F. (1959). *Landmarks of tomorrow*. New York, US: Harper & Row.

Duarte, M. E. (2009). The psychology of life construction. *Journal of Vocational Behavior*, *75*(3), 259–266. doi: 10.1016/j.jvb.2009.06.009

Duarte, M. E. (2015). Some reflections on guidance and career counselling in the 21st century. In A. DiFabio & J.-L. Bernaud (Eds.), *The construction of identity in 21st century: A new intervention theory for self-developing in turbulent times* (pp. 59–71). Hauppauge, US: Nova Science Publishers.

Durand, R., & Vargas, V. (2003). Ownership, organization, and private firms' efficient use of resources. *Strategic Management Journal*, *24*(7), 667–675. doi: 10.1002/smj.321

Ely, R. J. (1994). The effects of organizational demographics and social identity on relationships among professional women. *Administrative Science Quarterly*, *39*(2), 203–238. doi: 10.2307/2393234

Empson, L. (2007). *Managing the modern law firm: New challenges, new perspectives*. Oxford, UK: Oxford University Press.

Ericsson, K. A., Prietula, M. J., & Cokely, E. T. (2007). The making of an expert. *Harvard Business Review*, *85*(7/8), 115–121.

Ernst, H., & Vitt, J. (2000). The influence of corporate acquisitions on the behaviour of key inventors. *R&D Management*, *30*(2), 105–120. doi: 10.1111/14679310.00162

Farrell, J. N., & McDaniel, M. A. (2001). The stability of validity coefficients over time: Ackerman's (1988) model and the general aptitude battery. *Journal of Applied Psychology*, *86*(1), 60–79. doi: 10.1037//0021-9010.86.1.60

Felin, T., & Hesterly, W. S. (2007). The knowledge-based view, nested heterogeneity, and new value creation: Philosophical considerations on the locus of knowledge. *Academy of Management Review*, *32*(1), 195–218. doi: 10.5465/AMR.2007.23464020

Fletcher, C. (2001). Performance appraisal and management: The developing research agenda. *Journal of Occupational & Organizational Psychology*, *74*(4), 473–487. doi: 10.1348/096317901167488

Flood, J. (1987). *Anatomy of lawyering: An ethnography of a corporate law firm* (Doctoral dissertation). Retrieved from Evanston, Northwestern University Database

Ford, A. (1931). Neutralizing inequalities in ratings. *Personnel Journal*, *9*, 466–469.

Forstenlechner, I., & Lettice, F. (2008). Well paid but undervalued and overworked: The highs and lows of being a junior lawyer in a leading law firm. *Employee Relations*, *30*(6), 640–652. doi: 10.1108/01425450810910037

Foster, J., Richard, L., Rohrer, L., & Sirkin, M. (2010). Understanding lawyers: The personality traits of successful practitioners. *Hildebrandt Baker Robbins*. Retrieved from http://www.thresholdadvisors.com/wp-content/uploads/2011/04/Understanding-Lawyers-White-Paper-Oct-2010-revised.pdf

Fowler, F. J. (2002). *Survey research methods*. London, UK: Sage Publishers.

Frank, R. H., & Cook, P. J. (1995). *The winner-take-all society: How more and more americans compete for fewer and bigger prizes, encouraging economic waste, income inequality, and an impoverished cultural life*. New York, US: Free Press.

Gabarro, J. J. (2007). Prologue in L. Empson (Ed.), *Managing the modern law firm: New challenges, new perspectives*. Oxford, UK: Oxford University Press.

Gagné, F. (2004). Transforming gifts into talents: The DMGT as a developmental theory. *High Ability Studies*, *15*(2), 119–147. doi: 10.1080/1359813042000314682

Galanter, M. S., & Henderson, W. (2008). The elastic tournament: The second transformation of the big law firm. *Stanford Law Review*, *60*(6), 1867–1930. doi: 10.2307/40040427

Galanter, M. S., & Palay, T. M. (1990). Why the big get bigger: The promotion to partner tournament and the growth of large law firms. *Virginia Law Review*, *76*(4), 747–811. doi: 10.2307/1073211

Galanter, M. S., & Palay, T. M. (1994). The many futures of the big firm. *South Carolina Law Review*, *45*(5), 905–928.

Galanter, M. S., & Palay, T. M. (1999). Large law firm misery: It's the tournament not the money. *Vanderbilt Law Review*, *52*(4), 953–969.

Galanter, M. S., & Roberts, S. (2008). From kinship to magic circle: The London commercial law firm in the twentieth century. *International Journal of the Legal Profession, 15*(3), 143–178. doi: 10.1080/09695950902804217

Gallardo-Gallardo, E., Dries, N., & González-Cruz, T. F. (2013). What is the

meaning of 'talent' in the world of work? *Human Resource Management Review*, *23*(4),

290–300. doi:10.1016/j.hrmr.2013.05.002

Galpin, M., & Skinner, J. (2004). Helping high flyers fly high: Their motives

and developmental preferences. *Industrial and Commercial Training*, *36*(3), 113–116.

doi: 10.1108/00197850410532122

Gardner, T. M. (2005). Interfirm competition for human resources: Evidence

from the software industry. *Academy of Management Journal, 48*(2), 237–256. doi:

10.5465/AMJ.2005.16928398

Gaugler, B. B., Rosenthal, D. B., Thornton, G. C. III, & Bentson, C. (1987).

Meta-analysis of assessment center validity. *Journal of Applied Psychology*, *72*(3) 493–

511. doi: 10.1037/0021-9010.72.3.493

Gilson, R. J., & Mnookin, R. H. (1989). Coming of age in a corporate law firm:

The economics of associate career patterns. *Stanford Law Review*, *41*(3), 567–595. doi:

10.2307/1228880

Glater, J. (2009, February). Billable Hours Giving Ground at Law Firms.

NYTimes. Retrieved from

http://www.nytimes.com/2009/01/30/business/30hours.html?partner=

permalink&exprod = permalink&_r = 0

Goffin, R. D., Jelley, R. B., Powell, D. M., & Johnston, N. G. (2009). Taking

advantage of social comparisons in performance appraisal: The relative percentile

method. *Human Resource Management*, *48*(2), 251–268. doi: 10.1002/hrm.20278

Goodman, J. S., & Blum, T. C. (1996). Assessing the non-random sampling effects of subject attrition in longitudinal research. *Journal of Management*, *22*(4), 627–652. doi: 10.1016/S0149-2063(96)90027-6

Graen, G. (2009). Early identification of future executives: A functional approach. *Industrial and Organizational Psychology*, *2*(4), 437–441. doi: 10.1111/j.1754-9434.2009.01170.x

Gratton, L. (2004). *The democratic enterprise: Liberating your business with freedom, flexibility and commitment*. London, UK: Prentice-Hall.

Greenwood, R. E. (2003). The professional partnership: Relic or exemplary form of governance? *Organization Studies*, *24*(6), 909–933. doi: 10.1177/0170840603024006005

Greenwood, R. E, Deephouse, D. L., & Li, S. X. (2007). Ownership and performance of professional service firms. *Organization Studies*, *28*(2), 219–238. doi: 10.1177/0170840606067992

Grey, C., & Willmott, H. (2005). *Critical management studies: A reader*. Oxford, UK: Oxford University Press.

Guest, D., Conway, N., & Dewe, P. (2004). Using sequential tree analysis to search for 'bundles' of HR practices. *Human Resource Management Journal*, *14*(1), 79–96. doi: 10.1111/j.1748-8583.2004.tb00113.x

Guilford, J. P. (1954). *Psychometric methods*. New York, US: McGraw-Hill.

Gupta, M., Jin, L., & Homma, N. (2004). *Static and dynamic neural networks: From fundamentals to advanced theory*. Hoboken, US: John Wiley & Sons.

Guralnik, O., Rozmarin, E., & So, A. (2004). Forced distribution: Is it right for you? *Human Resource Development Quarterly*, *15*(3), 339–345. doi: 10.1002/hrdq.1107

Hall, D. T. (1976). *Careers in organizations*. Glenview, US: Scott Foresman.

Hall, D. T. (2002). *Careers in and out of organizations*. Thousand Oaks, US: Sage.

Hall, D. T., & Moss, J. E. (1998). The new protean career contract: Helping organizations and employees adapt. *Organizational Dynamics*, *26*(3), 22–37. doi: 10.1016/S0090-2616(98)90012-2

Hambrick, D. (1994). Top management groups: A conceptual integration and reconsideration of the 'team' label. In B. Staw & L. Cummings (Eds.), *Research in organizational behavior* (pp. 299–357). Greenwich, UK: JAI Press.

Hamilton, N. (2013a). Law firm competency models & student professional success: Building on a foundation of professional formation/professionalism. *University of St. Thomas Law Journal*, *11*(1), 6–38. doi:10.2139/ssrn.2271410

Hamilton, N. (2013b). What legal employers and clients want: The competency-model approach to legal success. *University of St. Thomas Law Journal*, *11*(1), 1–5.

Harper, J. S. (2013). *The lawyer bubble: A profession in crisis*. New York, US: Basic Books.

Harris, M. M., & Schaubroeck, J. (1988). A meta-analysis of self-supervisor, self-peer, and peer-supervisor ratings. *Personnel Psychology*, *41*(1), 43–62. doi: 10.1111/j.1744-6570.1988.tb00631.x

Harrison, J. (2012). *Strategic human resource management for law firms*. London, UK: Ark Group.

Haserot, P. W. (2004). Attributes and competences for 21st century law firm leaders. *Of Counsel*, *23*(11), 11–13.

Henderson, W. D. (2011). Three generations of U.S. lawyers: Generalists, specialists, project managers. *Maryland Law Review*, *70*(1), 373–389.

Henderson, W. D., & Zaring, D. (2007). Young associates in trouble. *Michigan Law Review*, *105*(6), 1096–1102.

Hermelin, E., Lievens, F., & Robertson, I. T. (2007). The validity of assessment centres for the prediction of supervisory performance ratings: A meta-analysis. *International Journal of Selection and Assessment*, *15*(4), 405–411. doi: 10.1111/j.1468-2389.2007.00399.x

Henry, R. A., & Hulin, C. L. (1987). Stability of skilled performance across time: Some generalizations and limitations on utilities. *Journal of Applied Psychology*, *72*(3), 457–462. doi: 10.1111/j.1468-2389.2007.00399.x

Hickman, L. (2004, May). It's a kind of magic. *The Law Gazette*. Retrieved from: http://www.lawgazette.co.uk/news/its-a-kind-of-magic/42082.fullarticle

Higgins, M. C., & Thomas, D. A. (2001). Constellations and careers: Toward understanding the effects of multiple developmental relationships. *Journal of Organizational Behavior*, *22*(3), 223–247. doi: 10.1002/job.66

Hinds, P. J., Carley, K. M., Krackhardt, D., & Wholey, D. (2000). Choosing work group members: Balancing similarity, competence, and familiarity. *Organizational Behavior and Human Decision Processes*, *81*(2), 226–251. doi: 10.1006/obhd.1999.2875

Hitt, M. A., Bierman, L., & Collins, J. D. (2007). The strategic evolution of large US law firms. *Business Horizons*, *50*(1), 17–28. doi: 10.1016/j.bushor.2006.05.003

Hitt, M. A., Bierman, L., Shimizu, K., & Kochhar, R. (2001). Direct and moderating effects of human capital on strategy and performance in professional service

firms: A resource-based perspective. *Academy of Management Journal, 44*(1), 13–28.

doi: 10.2307/3069334

Hoffman, B. J., & Woehr, D. J. (2009). Disentangling the meaning of

multisource performance rating source and dimension factors. *Personnel Psychology,*

62(4), 735–765. doi: 10.1111/j.1744-6570.2009.01156.x

Hoffman, B. J., Lance, C. E., & Gentry, W. A. (2010). Rater source effects are

alive and well after all. *Personnel Psychology, 63*(1), 119–151. doi: 10.1111/j.1744-

6570.2009.01164.x

Hofmann, D. A., Jacobs, R., & Baratta, J. E. (1993). Dynamic criteria and the

measurement of change. *Journal of Applied Psychology, 78*(2), 194–204. doi:

10.1037/0021-9010.78.2.194

Hofmann, D. A., Jacobs, R., & Gerras, S. J. (1992). Mapping individual

performance over time. *Journal of Applied Psychology, 77*(2), 185–195.

doi:10.1037/0021-9010.77.2.185

Hogan, J., & Holland, B. (2003). Using theory to evaluate personality and job-

performance relations: A socioanalytic perspective. *Journal of Applied Psychology,*

88(1), 110–112. doi: 10.1037/0021-9010.88.1.100

Holzbach, R. L. (1978). Rater bias in performance ratings: Superior, self and

peer ratings. *Journal of Applied Psychology, 63*(5), 579–588.

doi:10.1037/00219010.63.5.579

Hopton, T., Kurz, R., MacIver, R., & Saville, P. (2010). *Analysis aptitude range*

handbook. Jersey, UK: Saville Consulting Group.

Hoyt, W. T., & Kerns, M. (1999). Magnitude and moderators of bias in observer ratings: A meta-analysis. *Psychological Methods*, *4*(4), 403–424. doi: 10.1037/0021-9010.63.5.579

Howitt, D., & Cramer, D. (2005). *Introduction to statistics in psychology*. Harlow, UK: Pearson Education.

Hulin, C. L. (1982). Some reflections on general performance dimensions and halo rating error. *Journal of Applied Psychology*, *67*(2), 165–170. doi: 10.1037/0021-9010.67.2.165

Hunter, J. E., & Schmidt, F. L. (1990). *Methods of meta-analysis: Correcting for error and bias in research findings*. Thousand Oaks, US: Sage.

Hunter, J. E., Schmidt, F. L., & Judiesch, M. K. (1990). Individual differences in output variability as a function of job complexity. *Journal of Applied Psychology*, *75*(1), 28–42. doi: 10.1037/0021-9010.75.1.28

Iles, P., David, P., & Chuai, X. (2010). Talent management as a management fashion in HRD: Towards a research agenda. *Human Resource Development International*, *13*(2), 125–145. doi: 10.1080/13678861003703666

Isom-Rodriguez, L. (1997, December). Talent management: What works now. *Compensation & Benefits for Law Offices*, 2–4.

James, C. (2008). Lawyers' wellbeing and professional legal education. *The Law Teacher*, *42*(1), 85–97. doi:10.1080/03069400.2008.9959763

Jin, L., & Gupta, M. M. (1999). Stable dynamic backpropagation learning in recurrent neural networks. *IEEE Transactions on Neural Networks*, *10*(6), 1321–1334. doi:10.1109/72.809078

Jones, R. G. (1992). Construct validation of assessment center final dimension ratings: Definition and measurement issues. *Human Resources Management Review, 2*(1), 195–220. doi:10.1016/1053-4822(92)90012-F

Judge, T. A., Bono, J. E., Illies, R., & Gerhardt, M. W. (2002). Personality and leadership: A qualitative and quantitative review. *Journal of Applied Psychology*, *87*(4), 765–780. doi:10.1037/0021-9010.87.4.765

Judge, T. A., Cable, D. M., Boudreau, J. W., & Bretz, R. D. (1995). An empirical investigation of the predictors of executive career success. *Personnel Psychology*, *48*(3), 485–519. doi:10.1111/j.1744-6570.1995.tb01767.x

Judge, T. A., Higgins, C. A., Thoreson, C. J., & Barrick, M. R. (1999). The Big Five personality traits, general mental ability, and career success across the life span. *Personnel Psychology*, *52*(3), 621–652. doi: 10.1111/j.1744-6570.1999.tb00174.x

Judge, T. A., & Kammeyer-Mueller, J. D. (2007). Personality and career success. In M. Peiperl & H. Gunz (Eds.), *Handbook of career studies* (pp. 59–78). Thousand Oaks, US: Sage.

Kanfer, R. (1992). Work motivation: New directions in theory and research. In C. L. Cooper & I. T. Robertson (Eds.), *International Review of Industrial and Organizational Psychology* (pp. 1–53). Chichester, UK: Wiley.

Kanfer, R., & Ackerman, P. L. (1989). Motivation and cognitive abilities: An integrative/aptitude-treatment interaction approach to skill acquisition. *Journal of Applied Psychology*, *74*(4), 657–690. doi: 10.1037/0021-9010.74.4.657

Kenny, D. A., & Berman, J. S. (1980). Statistical approaches to the correction of correlational bias. *Psychological Bulletin*, *88*(2), 288–295. doi: 10.1037/0033-2909.88.2.288

Kinder, T. (2016, May). Norton Rose to relocate 170 business services roles to the Philippines. *The Lawyer*. Retrieved from: https://www.thelawyer.com/issues/online-may-2016/norton-rose-to-relocate-170-business-services-roles-to-the-philippines/

Kordana, K. A. (1995). Law firms and associate careers: Tournament theory versus the production-imperative mode. *The Yale Law Journal*, *104*(7), 1907–1934. doi: 10.2307/797035

Kouzes, J. M., & Posner, B. Z. (2011). *Credibility: How leaders gain and lose it, why people demand it*. San Francisco, US: Jossey-Bass.

Krause, D. E., Heggestad, E. D., Kersting, M., & Thornton, G. C. III (2006). Incremental validity of assessment center ratings over cognitive ability tests: A study at the executive management level. *International Journal of Selection and Assessment*, *14*(4), 360–371. doi: 10.1111/j.1468-2389.2006.00357.x

Kudisch, J. D., Ladd, R. T., & Dobbins, G. H. (1997). New evidence on the construct validity of diagnostic assessment centers: The findings may not be so troubling after all. *Journal of Social Behavior & Personality*, *12*(5), 129–144.

Kurz, R., Saville, P., & MacIver, R. (2009). The structure of work effectiveness as measured through the Saville Consulting Wave® Performance 360 'B-A-G' model of behaviour, ability and global performance. *Assessment & Development Matters*, *1*(1), 15–18.

Lance, C. E., Foster, M. R., Nemeth, Y. M., Gentry, W. A., & Drollinger, S. (2007). Extending the nomological network of assessment center construct validity: Prediction of cross-situationally consistent and specific aspects of assessment center performance. *Human Performance*, *20*(4), 345–362. doi:10.1080/08959280701522031

Landy, F. J., & Farr, J. L. (1980). Performance rating. *Psychological Bulletin*, *87*(1), 72–107. doi: 10.1155/2017/1504701

Lewis, R. E., & Heckman, R. J. (2006). Talent management: A critical review. *Human Resource Management Review*, *16*(2), 139–154. doi: 10.1016/j.hrmr.2006.03.001

Lievens, F., & Thornton, G. C. III (2005). Assessment centers: Recent developments in practice and research. In A. Evers, O. Voskuijl & N. Anderson (Eds.), *Handbook of Personnel Selection*, (pp. 243-264). London, UK: Blackwell.

Lopes, S. A. (2016). High performers are not superheroes: Bridging exclusive and inclusive talent management approaches for law firm sustainability. *International Journal of the Legal Profession*, *23*(2), 207–231. doi: 10.1080/09695958.2016.1176924

Lopes, S. A., Sarraguça, J. M. G., Lopes, J. A., & Duarte, M. E. (2015). A new approach to talent management in law firms: Integrating performance appraisal and assessment center data. *International Journal of Productivity and Performance Management*, *64*(4), 523–543. doi: 10.1108/IJPPM-08-2013-0147

MacEwen, B. (2013). *Growth is dead: Now what? Law firms on the brink*. New York, US: Adam Smith.

Maister, D. H. (1997). *True professionalism*. New York, US: Free Press.

Maister, D. H., Green, C. H., & Galford, R. M. (2000). *The trusted advisor*. New York, US: Free Press.

Malcomson, J. M. (1984). Work incentives, hierarchy, and internal labor markets. *Journal of Political Economy*, *92*(3), 486–507. doi: 10.1086/261238

Malhotra, N., Morris, T., & Smets, M. (2010). New career models in UK professional service firms: From up-or-out to up-and-going-nowhere? *International*

Journal of Human Resource Management, *21*(9), 1396–1413. doi:

10.1080/09585192.2010.488436

Manch, S. (2010). Competency-based performance management: Evaluations,

advancement and compensation. In T. Mottershead (Ed.), *The art and science of*

strategic talent management in law firms (pp. 153–185). Eagan, US: Thomson West

Professional.

Manch, S. (2013). Competency-based performance management: A remedy for

eroding firm culture. *University of St. Thomas Law Journal*, *11*(1), 39–50.

Manch, S., & Mottershead, T. (2010). Talent management in law firms –

evolution, revelation, revolution or business as usual? In T. Mottershead (Ed.), *The art*

and science of strategic talent management in law firms (pp. 1–17). Eagan, US:

Thomson West Professional.

Martin, C. (2014). Partnership: An idea on the brink? *Lawyer*, *28*(21), 8–9.

Mayson, M. (2007). Building sustainable value: A capital idea. In L. Empson

(Ed.), *Managing the modern law firm* (pp. 141–161). Oxford, UK: Oxford University

Press.

Meriac, J. P., Hoffman, B. J., Woehr, D. J., & Fleisher, M. S. (2008). Further

evidence for the validity of assessment center dimensions: A meta-analysis of the

incremental criterion-related validity of dimension ratings. *Journal of Applied*

Psychology, *93*(5), 1042–1052. doi: 10.1037/0021-9010.93.5.1042

Menkel-Meadow, C. J. (2012). Too many lawyers? Or should lawyers be doing

other things? *International Journal of the Legal Profession*, *19*(2/3), 147–173. doi:

10.1080/09695958.2013.781945

Meyers, M. C., van Woerkom, M., & Dries, N. (2013). Talent — Innate or

acquired? Theoretical considerations and their implications for talent management.

Human Resource Management Review, *23*(4), 305–321. doi:

10.1016/j.hrmr.2013.05.003

Michaels, E., Handfield-Jones, H., & Axelrod, B. (2001). *The war for talent*.

Boston, US: Harvard Business School Press.

Morris, T., & Pinnington, A. (1998). Promotion to partner in professional service

firms. *Human Relations*, *51*(3), 3–24. doi: 10.1177/001872679805100102

Morrison, A. M., & von Glinow, M. (1990). Women and minorities in

management. *American Psychologist*, *45*(2), 200–208. doi: 10.1037/0003-

066X.45.2.200

Moshinsky, B. (2008). Talent management in the credit crunch: How should law

firms handle their staff? *The Lawyer*, *22*, 8.

Mottershead, T. (2010). The business case for talent management in law firms –

are people really our greatest asset? In T. Mottershead (Ed.), *The art and science of

strategic talent management in law firms* (pp. 21–54). Eagan, US: Thomson West

Professional.

Mottershead, T., & Magliozzi, S. (2013). Can competencies drive change in the

legal profession? *University of St. Thomas Law Journal*, *11*(1), 51–86.

Muir, L., Douglas, A., & Meehan, K. (2004). Strategic issues for law firms in the

new millennium. *Journal of Organisational Transformation and Social Change*, *1*(2),

179–191. doi: 10.1386/jots.1.2.179/0

Murphy, K. R. (1989). Is the relationship between cognitive ability and job

performance stable over time? *Human Performance*, *2*(3), 183–200. doi:

10.1207/s15327043hup0203_3

Muzio, D. (2004). The professional project and the contemporary re-

organisation of the legal profession in England and Wales. *International Journal of the*

Legal Profession, *11*(1/2), 33–50. doi: 10.1080/0969595042000317415

Nelson, R. L. (1981). Practice and privilege: Social change and the structure of

large law firms. *Law & Social Inquiry*, *6*(1), 97–140. doi: 10.1111/j.1747-

4469.1981.tb00424.x

Nelson, R. L. (1983). The changing structure of opportunity: Recruitment and

careers in large law firms. *American Bar Foundation Research Journal*, *8*(1), 109–142.

doi: 10.1111/j.1747-4469.1983.tb00366.x

Ng, T. W. H., Eby, L., Sorensen, K. L., & Feldman, D. C. (2005). Predictors of

objective and subjective career success: A meta-analysis. *Personnel Psychology*, *58*(2),

367–408. doi: 10.1111/j.1744-6570.2005.00515.x

Normand-Hochman, R. (2013). *Managing talent for success*. London, UK:

Globe Business Publishing.

O'Boyle, E., & Aguinis, H. (2012). The best and the rest: Revisiting the norm of

normality of individual performance. *Personnel Psychology*, *65*(1), 79–119. doi:

10.1111/j.1744-6570.2011.01239.x

Omari, M., & Paull, M. (2013). Shut up and bill: Workplace bullying challenges

for the legal profession. *International Journal of the Legal Profession*, *20*(2), 141–160.

doi: 10.1080/09695958.2013.874350

Ones, D. S., Viswesvaran, C., & Dilchert, S. (2005). Personality at work: Raising awareness and correcting misconceptions. *Human Performance*, *18*(4), 389–404. doi: 10.1207/s15327043hup1804_5

Osborne, E. (2013). *Firm forward: A journey from the land of compliance to the world of reliance*. Carmel Valley, US: Oz Publishing.

Pearlmutter, B. (1990). *Dynamic recurrent neural networks*. Pittsburgh, US: Carnegie Mellon University.

Pfeffer, J., & Sutton, R. I. (2006a). Evidence-based management. *Harvard Business Review*, *84*(1), 62–74.

Pfeffer, J., & Sutton, R. I. (2006b). *Hard facts, dangerous half-truths, and total nonsense: Profiting from evidence-based management*. Boston, US: Harvard Business School Press.

Pinnington, A. H. (2011). Competence development and career advancement in professional service firms. *Personnel Review*, *40*(4), 443–465. doi: 10.1108/00483481111133336

Pinnington, A. H., & Morris, T. (2003). Archetype change in professional organizations: Survey evidence from large law firms. *British Journal of Management*, *14*(1), 85–99. doi: 10.1111/1467-8551.00267

Pinnington, D. (2013). The future of law. *Lawpro Magazine*, *12*(2), 25–31.

Ployhart, R. E., & Hakel, M. D. (1998). The substantive nature of performance variability: Predicting interindividual differences in intraindividual performance. *Personnel Psychology*, *51*(4), 859–901. doi: 10.1111/j.1744-6570.1998.tb00744.x

Podsakoff, P. M., MacKenzie, S. B., Jeong-Yeon, L., & Podsakoff, N. P. (2003). Common method biases in behavioral research: A critical review of the literature and

recommended remedies. *Journal of Applied Psychology*, *88*(5), 879–903. doi:

10.1037/0021-9010.88.5.879

Polden, D. J. (2012). Leadership matters: Lawyers' leadership skills and

competencies. *Santa Clara Law Review*, *52*(3), 899–920.

Poynton, C. (2010). *Attracting and retaining talent in the post-recession legal

profession*. London, UK: Ark Group.

Rainhart, A. (2013). The evolving practice of law: Competency development in

law firm combinations. *University of St. Thomas Law Journal*, *11*(1), 87–98.

Rambo, W. W., Chomiak, A. M., & Price, J. M. (1983). Consistency of

performance under stable conditions of work. *Journal of Applied Psychology*, *68*(1),

78–87. doi: 10.1037/0021-9010.68.1.78

Ready, D. A., Conger, J. A., Hill, L. A., & Stecker, E. (2010). The anatomy of a

high potential. *Business Strategy Review*, *21*(3), 53–55. doi:

10.1108/hrmid.2011.04419cad003

Reeves, M., & Deimler, M. (2011). Adaptability: The new competitive

advantage. *Harvard Business Review*, *89*(7/8), 134–141. doi:

10.1002/9781119204084.ch2

Renzulli, J. S. (2005). The three-ring conception of giftedness: A developmental

model for promoting creative productivity. In R. J. Sternberg & J. E. Davidson (Eds.),

Conceptions of giftedness (pp. 246–279). New York, US: Cambridge University Press.

Ribstein, L. E. (2010). The death of big law. *Wisconsin Law Review*, *3*, 749–815.

doi: 10.2139/ssrn.1467730

Richard, L. (1993, July). How your personality affects your practice: The lawyer

types. *ABA Journal*, 74–78.

Richard, L. (2010). Herding cats: The lawyer personality revealed. *Report to*

Legal Management, *29*(11), 1–12.

Richard, L., & Rohrer, L. (2011). A breed apart? *American Lawyer*, *33*, 43–46.

Rosen, S. (1981). The economics of superstars. *American Economic Review,*

71(5), 845–858.

Rosenbaum, J. E. (1984). *Career mobility in a corporate hierarchy*. Orlando,

US: Academic Press.

Smathers, R. A. (2014, July/August). The 21st-century T-shaped lawyer, *Law*

Practice Magazine, 40.

Stevens, R. (1973). Law schools and law students. *Virginia Law Review*, *59*(4),

551–707.

Stevens, E. L. (2012, October/November). Will law school students have jobs

after they graduate? *Washington Post*. Retrieved from

https://www.washingtonpost.com/lifestyle/magazine/will-law-school-students-have-

jobs-after-they-graduate/2012/10/31/f9916726-0f30-11e2-bd1a-

b868e65d57eb_story.html?utm_term=.fccb9946ba6e

Sackett, P. R., & Yang, H. (2003). Correction for range restriction: An expanded

typology. *Journal of Applied Psychology*, *85*(1), 112–118. doi: 10.1111/peps.12122

Sander, R. H., & Williams, E. D. (1992). A little theorizing about the big law

firm: Galanter, Palay, and the economics of growth. *Law & Social Inquiry*, *17*(3), 391–

414. doi: 10.1111/j.1747-4469.1992.tb00619.x

Savickas, M. L., Nota, L., Rossier, J., Dauwalder, J. P., Duarte, M. E., Guichard,

J., Soresi, S., Esbroeck, R.V., & van Vianen, A. E. M. (2009). Life designing: A

paradigm for career construction in the 21st century. *Journal of Vocational Behavior*, *75*(3), 239–250. doi: 10.1016/j.jvb.2009.04.004

Saville, P., MacIver, R., Kurz, R., & Hopton, T. (2008). *Project Epsom: How valid is your questionnaire? Phase 1: A new comparative study of the major personality questionnaires in predicting job performance*. Jersey, UK: Saville Consulting Group.

Saville, P., MacIver, R., Hopton, T., & Smith, J. (2011). *Leadership handbook*. Jersey, UK: Saville Consulting Group.

Saville, P., MacIver, R., & Kurz, R. (2009). *Saville Consulting Wave professional styles handbook*. Jersey, UK: Saville Consulting Group.

Scheiber, N. (2013, July). The last days of big law. *New Republic*. Retrieved from https://newrepublic.com/article/113941/big-law-firms-trouble-when-money-dries

Schein, E. H., & van Maanen, J. (1977). Career development. In J. R. Hackman & J. L. Suttle (Eds.), *Improving life at work* (pp. 30–95). Santa Monica, US: Goodyear.

Schiltz, P. J. (1999). On being a happy, healthy, and ethical member of an unhappy, unhealthy, and unethical profession. *Vanderbilt Law Review*, *52*(4), 871–903.

Schleicher, D. J., Bull, R. A., & Green, S. G. (2009). Rater reactions to forced distribution rating systems. *Journal of Management*, *35*(4), 899–927. doi: 10.1177/0149206307312514

Schmitt, N., Gooding, R. Z, Noe, R. A., & Kirsch, M. (1984). Meta-analysis of validity studies published between 1964 and 1982 and the investigation of study characteristics. *Personnel Psychology*, *37*(3), 407–422. doi: 10.1111/j.1744-6570.1984.tb00519.x

Schmidt, F. L., & Hunter, J. E. (1998). The validity and utility of selection methods in personnel psychology: Practical and theoretical implications of 85 years of

research findings. *Psychological Bulletin*, *124*(2), 262–274. doi: 10.1037//0033-2909.124.2.262

Schmidt, F. L., & Hunter, J. E. (2000). Select on intelligence. In E. A. Locke (Ed.), *The black-well handbook of organizational principles* (pp. 3–14). Oxford, UK: Blackwell.

Schmidt, F. L., & Hunter, J. E. (2004). General mental ability in the world of work: Occupational attainment and job performance. *Journal of Personality and Social Psychology*, *86*(1), 162–173. doi: 10.1037/0022-3514.86.1.162

Schmidt, F. L., Hunter, J. E., & Outerbridge, A. (1986). The impact of job experience and ability on job knowledge work sample performance, and supervisory rating of performance. *Journal of Applied Psychology*, *71*(3), 432–439. doi: 10.1037/0021-9010.71.3.432

Schmidt, F. L., Hunter, J. E., Outerbridge, A., & Goff, S. (1988). Joint relation of experience and ability with job performance: Test of three hypotheses. *Journal of Applied Psychology*, *73*(1), 46–57. doi: 10.1037/0021-9010.73.1.46

Scullion, S. E., Mount, M. K., & Goff, M. (2000). Understanding the latent structure of job performance ratings. *Journal of Applied Psychology*, *85*(6), 956–970. doi: 10.1037//0021-9010.85.6.956

Seibert, S. E., & Kraimer, M. L. (2001). The five-factor model of personality and career success. *Journal of Vocational Behavior*, *58*(1), 1–21. doi: 10.1006/jvbe.2000.1757

SenGupta, R. (2012, October). The new rule of law, *Financial Times*.

Shadish, W. R., Cook, T. D., & Campbell, D. T. (2002). *Experimental and quasiexperimental designs for generalized causal inference*. Boston, US: Houghton Mifflin.

Sherer, P., & Lee, K. (2002). Institutional change in large law firms: A resource dependency and institutional perspective. *Academy of Management Journal*, *45*(1), 102–119. doi:10.2307/3069287

SHL Group (1998). *Assessment & development centres handbook*. Surrey, UK: SHL.

SHL Group (2008). *Best practice in integrated talent management*. Surrey, UK: SHL.

Shultz, M. M., & Zedeck, S. (2011). Predicting lawyer effectiveness: Broadening the basis for law school admission decisions. *Law & Social Inquiry*, *36*(3), 620–661. doi: 10.1111/j.1747-4469.2011.01245.x

Silzer, R., & Church, A. H. (2009). The pearls and perils of identifying potential. *Industrial and Organizational Psychology*, *2*(4), 377–412. doi: 10.1111/j.1754-9434.2009.01163.x

Silzer, R., & Church, A. H. (2010). Identifying and assessing high-potential talent: Current organizational practices. In R. Silzer & B. E. Dowell (Eds.), *Strategy-driven talent management: A leadership imperative* (pp. 213–279). San Francisco, US: Jossey-Bass.

Silzer, R., & Dowell, B. E. (2010). *Strategy-driven talent management: A leadership imperative*. San Francisco, US: Jossey-Bass.

Smart, B. D. (2005). *Topgrading: How leading companies win by hiring, coaching, and keeping the best people*. New York, US: Penguin Group.

Smith, J. (2014, September). Global Law Firms Chart Slow But Steady Growth. *The Wall Street Journal*. Retrieved from http://blogs.wsj.com/law/2014/09/29/global-law-firms-chart-slow-but-steady-growth/

Somaya, D., & Williamson, I. O. (2008). Rethinking the war for talent. *MIT Sloan Management Review*, *49*(4), 29–34.

Sonnentag, S., & Frese, M. (2012). Dynamic performance. In P. E Nathan & S. W. J. Kozlowski (Eds.), *The Oxford handbook of organizational psychology* (pp. 548–575). New York, US: Oxford University Press.

Spector, P. E. (2006). Method variance in organizational research: Truth or urban legend? *Organizational research methods*, *9*(2), 221–232. doi: 10.1177/1094428105284955

Stewart, G. L., & Nandkeolyar, A. K. (2006). Adaptation and intraindividual variation in sales outcomes: Exploring the interactive effects of personality and environmental opportunity. *Personnel Psychology*, *59*(2), 307–332. doi: 10.1111/j.1744-6570.2006.00016.x

Stumpf, S. A. (2002). Becoming a partner in a professional services firm. *Career Development International*, *7*(2), 115–121. doi: 10.1108/13620430210421641

Stumpf, S. A. (2007a). Stakeholder assessments as a predictor of high potential and promotion to partner in professional service firms. *Career Development International*, *12*(5), 481–497. doi:10.1108/13620430710773781

Stumpf, S. A. (2007b). Development of the relationship management survey: A tool for assessing performance and career success of professional service professionals. *Journal of Organizational Culture Communications & Conflict*, *11*(1), 105–125.

Stumpf, S. A. (2009). Promotion to partner: The importance of relationship competencies and interpersonal style. *Career Development International*, *14*(5), 428–440. doi: 10.1108/13620430910989834

Stumpf, S. A., Doh, J. P., & Clark, K. D. (2002). Professional services firms in transition: Challenges and opportunities for improving performance. *Organizational Dynamics*, *31*(3), 259–279. doi: 10.1016/S0090-2616(02)00113-4

Sturges, J. (1999). What it means to succeed: Personal conceptions of career success held by male and female managers at different ages. *British Journal of Management*, *10*(3), 239–252. doi: 10.1111/1467-8551.00130

Sturman, M. C. (2003). Searching for the inverted U-shaped relationship between time and performance: Meta-analyses of the experience/performance, tenure/performance, and age/performance relationships. *Journal of Management*, *29*(5), 609–640. doi: 10.1016/S0149-2063(03)00028-X

Sturman, M. C. (2007). The past, present, and future of dynamic performance research. *Research in Personnel and Human Resource Management*, *26*, 49–110. doi: 10.1016/S0742-7301(07)26002-5

Sturman, M. C., Cheramie, R. A., & Cashen, L. H. (2005). The impact of job complexity and performance measurement on the temporal consistency, stability, and test-retest reliability of employee job performance ratings. *Journal of Applied Psychology*, *90*(2), 269–283. doi: 10.1037/0021-9010.90.2.269

Sturman, M. C., & Trevor, C. O. (2001). The implications of linking the dynamic performance and turnover literatures. *Journal of Applied Psychology*, *86*(4), 684–696. doi: 10.1037/0021-9010.86.4.684

Susskind, R. (2008). *The end of lawyers: Rethinking the nature of legal services.* Oxford, UK: Oxford University Press.

Susskind, R. (2013). *Tomorrow's lawyers: An introduction to your future.* Oxford, UK: Oxford University Press.

Sutton, A.W., Baldwin, S. P., Wood, L., & Hoffman, B. J. (2013). A meta-analysis of the relationship between rater liking and performance ratings. *Human Performance*, *26*(5), 409–429. doi: 10.1080/08959285.2013.836523

Tansley, C. (2011). What do we mean by the term 'talent' in talent management? *Industrial and Commercial Training*, *43*(5), 266–274. doi: 10.1108/00197851111145853

The American Lawyer (2015, April). Firms ranked by profit per partner. *The America Lawyer.* Retrieved from http://www.americanlawyer.com/id=1202723485125/Firms-Ranked-by-Profits-Per-Partner

The Law Society (2016, March). Economic value of the legal services sector. *The Law Society*. Retrieved from http://www.lawsociety.org.uk/news/documents/legal-sector-economic-value-final-march-2016/

The Law Society Gazette (2013, October). Number of law firms dips to new low. *The Law Society Gazette.* Retrieved from http://www.lawgazette.co.uk/practice/number-of-law-firms-dips-to-new-low/5038472.fullarticle

Tesluk, P. E., & Jacobs, R. R. (1998). Toward an integrated model of work experience. *Personnel Psychology*, *51*(2), 321–355. doi: 10.1111/j.1744-6570.1998.tb00728.x

Thoresen, C. J., Bradley, J. C., Bliese, P. D., & Thoresen, J. D. (2004). The Big Five personality traits and individual job performance growth trajectories in maintenance and transitional stages. *Journal of Applied Psychology*, *89*(5), 835–863. doi: 10.1037/0021-9010.89.5.835

Thorndike, E. L. (1920). A constant error in psychological ratings. *Journal of Applied Psychology*, *4*(1), 25–29. doi: 10.1037/h0071663

Thornton, G. C., & Rupp, D. E. (2006). *Assessment centers in human resource management: Strategies for prediction, diagnosis, and development.* Erlbaum, US: Mahwah.

Thornton, M. (2012). The new knowledge economy and the transformation of the law discipline. *International Journal of the Legal Profession*, *19*(2/3), 265–281. doi: 10.1080/09695958.2013.771126

Thunnissen, M., Boselie, P., & Fruytier, B. (2013). A review of talent management: `Infancy or adolescence'? *International Journal of Human Resource Management*, *24*(9), 1744–1761. doi: 10.1080/09585192.2013.777543

Trochim, W., & Donnelly, J. P. (2007). *The research methods knowledge base*. Cincinnati, US: Atomic Dog Publishers.

Tuckey, J. W. (1962). The future of data analysis. In Jones, L. V. (Ed.), *The collected works of John W. Tuckey* (pp. 187–389). Belmont, US: Wadsworth.

Tziner, A., Ronen, S., & Hacohen, D. (1993). A four-year validation study of an assessment center in a financial corporation. *Journal of Organizational Behavior*, *14*(3), 225–237. doi: 10.1002/job.4030140303

Ulrich, D. (2008). 'The talent trifecta'. *Development and Learning in Organizations: An International Journal*, *22*(2). doi: 10.1108/dlo.2008.08122bad.003

Ulrich, D., & Smallwood, N. (2012). What is talent? *Leader to Leader*, *63*, 55–61. doi: 10.1002/ltl.20011

van Buren III, H. J. (2003). Boundaryless careers and employment obligations. *Business Ethics Quarterly*, *13*(2), 131–150. doi: 10.5840/beq20031329

van der Linden, D., Bakker, A. B., & Serlie, A. W. (2011). The general factor of personality in selection and assessment samples. *Personality & Individual Differences*, *51*(5), 641–645. doi: 10.1016/j.paid.2011.05.032

Velleman, P. F., & Wilkinson, L. (1993). Nominal, ordinal, interval, and ratio typologies are misleading. *American Statistician*, *47*(1), 65–72. doi: 10.1080/00031305.1993.10475938

Viswesvaran, C., Schmidt, F. L., & Ones, D. S. (2005). Is there a general factor in ratings of job performance? A meta-analytic framework for disentangling substantive and error influences. *Journal of Applied Psychology*, *90*(1), 108–131. doi: 10.1037/0021-9010.90.1.108

von Nordenflycht, A. (2010). What is a professional service firm? Towards a theory and taxonomy of knowledge intensive firms. *Academy of Management Review*, *35*(1), 155–174. doi: 10.5465/AMR.2010.45577926

Wayne, S. J., Liden, R. C., Kraimer, M. L., & Graf, I. K. (1999). The role of human capital, motivation and supervisor sponsorship in predicting career success. *Journal of Organizational Behavior*, *20*(5), 577–595. doi: 10.1002/(SICI)1099-1379(199909)20:5<577::AID-JOB958>3.0.CO;2-0

Welch, J. & Welch, S. (2005). *Winning*. New York, US: Harper Business Publishers.

Wilkins, D. B., & Gulati, M. (1998). Reconceiving the tournament of lawyers: Tracking, seeding, and information control in the international labor markets of elite law firms. *Virginia Law Review*, *84*(8), 1581–1681. doi: 10.2307/1073792

Yost, P. R., & Chang, G. (2009). Everyone is equal, but some are more equal than others. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, *2*(4), 442–445. doi: 10.1111/j.1754-9434.2009.01171.x

Appendix A. Snapshot from Financial Times Innovative Lawyers Ranking 2014.

Innovative Lawyers 2014

LEGAL INNOVATOR OF THE YEAR

STEPHEN HOPKINS, PARTNER, EVERSHEDS ▲

Stephen Hopkins is the driving force behind a number of Eversheds' most innovative submissions to the FT Innovative Lawyers reports over the past nine years. The single-supplier deal with Tyco in 2007, the firm's Global Account Management System (GAMS) and DealTrack project management approach set new standards for how law firms use metrics to manage client relationships and large projects.

Over the past three years, single-supplier deals between law firms and clients have created waves in the UK market. Under long-term, fixed-fee arrangements, they force law firms to track, manage and report work and costs with far greater detail than before. They also set new expectations among large corporate clients for what law firms can

deliver and how efficiently work can be done. These deals all refer back to the deal between Eversheds and Tyco.

Law firms often struggle to make these single-supplier deals work financially in their first stages. Mr Hopkins was responsible for building in greater efficiencies, better project management and properly scrutinising costs. GAMS, which he developed, allowed Eversheds effectively to manage matters handled by a network of international firms on behalf of Tyco. It has continued to evolve and is now used with more than 50 clients. In March 2014, Eversheds secured a fixed-fee contract with the International Air Transport Association, giving the firm sole responsibility for legal project management in 158 jurisdictions.

SUSANA ALMEIDA LOPES, CORPORATE SERVICES DIRECTOR, VIEIRA DE ALMEIDA & ASSOCIADOS ▼

Susana Almeida Lopes joined Vieira de Almeida as human resources manager in 2008 as the Portuguese economy was in crisis. The country's law firms were quick to feel the economic contraction. Some of the larger ones looked to Africa, Asia and South America for work, but an equally important plank of their survival strategies was the ability to retain and engage their lawyers.

Ms Lopes found there was little literature on talent engagement and management in firms, so she decided to conduct a research project; in 2013 alone she collected data from 800 participants across several law firms and countries. The data form the basis of a new methodology Vieira de Almeida uses to analyse and anticipate future leadership styles of senior lawyers. It is used to build more balanced legal teams, and in performance appraisals and career progression for lawyers.

In 2010, Ms Lopes became corporate services director and a member of the firm's executive committee. Her work on talent management has helped the firm thrive in difficult market conditions.

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Note: Susana Almeida Lopes was ranked among the 10 Most Innovative Individuals in 2014 as a result of projects that took in the evidences of papers 1 and 3.

Appendix B. Snapshot from Financial Times Innovative Lawyers Ranking 2013.

Innovative Lawyers 2013

● **MOST INNOVATIVE LAW FIRMS IN CORPORATE STRATEGY**

		Score	
Standout	Fondia	25	A strategy that breaks with traditional law firm culture to transform the experience of clients and staff.
	Axiom	24	A strategy to reassess the industry's approach to contracts by treating them as a separate legal discipline, regardless of purpose.
Highly commended	Vieira de Almeida & Associados	22	A talent management strategy to identify and develop individual lawyer innovation.
	Hogan Lovells	21	Predicted the emerging payments services market to position its cross-practice team as the go-to experts.
	Latham & Watkins	21	Marketing initiatives devised in collaboration with a mobile apps agency to create a new legal business.
	Loyens & Loeff	21	A one-day brainstorm session of the firm's 700 fee earners to shape its future business model.
	Addleshaw Goddard	20	A client-focused strategy that combines adaptable delivery models, flexible and value based pricing and a more collaborative culture
	MAQS Law Firm	20	A coaching programme for all partners that encourages them to play only to their strengths and allies individual development to the firm's objectives.
	RPC	20	A counterintuitive strategy to focus on high-end growth in the downturn has seen the firm win higher-value work.
	Weil, Gotshal & Manges	20	A successful strategy to develop the London office of a US law firm into a market-leading business through hiring, retention and a different approach to clients.
	Wolf Theiss	20	A multidisciplinary property service for the financial industry in connection with non-performing loans and distressed assets.
	Axiom	19	Beginning to reinvent the lawyer's career path through its different business model.
	Eversheds	19	Strategic support of Miami University's Law Without Walls venture that brings together students, academics, lawyers and clients to develop the industry's future.
	Freshfields Bruckhaus Deringer	19	Building a global investigations practice through cross-discipline expertise and insightful thought leadership.
	Hogan Lovells	19	A comprehensive and intensive training programme focused on preparing high-potential lawyers to become effective future partners.
	Linklaters	19	A new framework to change the approach of individual lawyers to corporate social responsibility.
	Vieira de Almeida & Associados	19	A strategic programme that encourages creativity by consciously putting culture, knowledge and ideas at the heart of the firm.
Commended	Allen & Overy	18	Unusual in-depth investigation and hard data collection formed foundations for the stress testing, benchmarking and interrogation of its strategy.
	Bird & Bird	18	Development of international cross-sector and legal practices to become the go-to firm for data centres.
	Gómez-Acebo & Pombo	18	Expansion strategy focused on the client's needs, investment in the next generation of lawyers and international offices.
	Houthoff Buruma	18	An experiential incubator programme matching smart associates with Dutch start-ups.
	NCTM	18	Successful creation of a new team for food and drink businesses to develop the firm's focus on the agriculture sector.

I n discussions about law firms and leadership, the phrase "herding cats" is sometimes used. But if autonomy, individuality and personality were the old way of managing, a new model is emerging as firms grow in size and complexity, and clients increasingly seek strategic advisory services from their lawyers. The question for firms is how best to develop the skills they need to operate in this new environment.

First, however, law firms have to work out what leadership means to them, as their structure has not favoured complex chains of command. With each partner responsible for running his or her part of the business, hierarchies have been relatively flat, giving leadership in the legal sector a different flavour from that of other organisations.

Traditionally, firms simply promoted charismatic individuals who were big fee earners, rather than developing a pipeline of leaders. And those who were promoted received little training in how to manage.

This is all changing. "The idea that you could become a partner and then work out what you need to do just doesn't happen any more," says Ruth Grant, people development partner at Hogan Lovells. At her firm, she says, the emphasis is on developing an individual's career path, from learning how to be a good ▶

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Note: The VdA project was ranked 3rd. The project drawn in the role of innovation as a major differentiator of lawyers' performance.