

An Associate's Mind Presents:

# THE TOP 20 REASONS LAWYERS FAIL

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Professional Development for (new)  
Lawyers

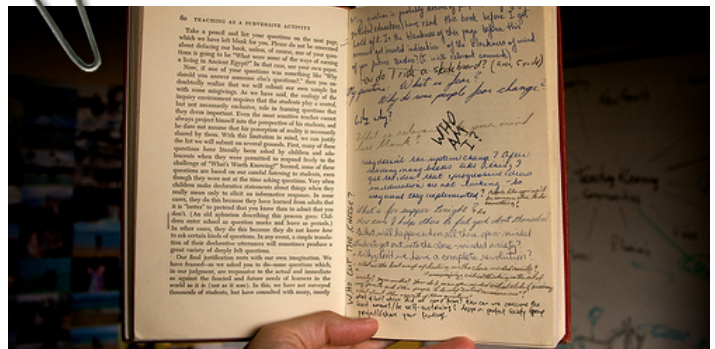
## Lawyers face constant challenges. Some succeed. Some fail.

## Why?

### DR. ROBERT JEFFREY STERNBERG,

is an American psychologist and psychometrician and the Dean of Arts and Sciences at Tufts University. He was formerly IBM Professor of Psychology and Education at Yale University and the President of the American Psychological Association and is generally considered a prominent figure in the research of human intelligence. Most of Dr. Sternberg's research in the past decade has gone towards his Triarchic Theory of Intelligence.

In 1994 Dr. Sternberg wrote *In Search of the Human Mind*, in which he lists what he believes to be the twenty reasons why intelligent people fail. Now, regardless of public perception or personal anecdote, lawyers are intelligent people. Certainly some are more intelligent than others, but as a whole, they are intelligent people. Lawyers have: graduated from college, completed a graduate degree, and passed the bar exam. One might say this only makes them educated and not intelligent (a distinction not without merit). However, for my purposes, I am going to say that lawyers are, in general, intelligent.



Work



Development



Time

The pressures facing  
lawyers can be  
daunting.

“I have not failed. I've just found 10,000 ways that won't work.” ~Thomas Edison

20. *“Too little or too much self-confidence. Lack of self-confidence can gnaw away at a person’s ability to get things done and become a self-fulfilling prophecy. Conversely, individuals with too much self-confidence may not know when to admit they are wrong or in need of self-improvement.”*

**- Do I even need to address this?**

**Stories of lawyers who have blown a case or a contract because of hubris are countless.**

19. *“Lack of balance between critical, analytical thinking and creative, synthetic thinking. It is important for people to learn what kind of thinking is expected of them in each situation.”*

**- Being a good lawyer requires a fine balance between these two.**

**Often I think lawyers tend towards the critical, analytical side. However, great lawyers bring creative solutions to new problems.**

18. *“Inability to see the forest for the trees. Some people become obsessed with details and are either unwilling or unable to see or deal with the larger picture in the projects they undertake.”*

**- I think new lawyers tend to have this problem. It’s very easy to get fired up about being provided assignments at the beginning of a new job and dive right into the thick of things but not being able to view**

**the over-reaching goal of their project.**

17. *“Inability to delay gratification. Some people reward themselves and are rewarded by others for finishing small tasks, while avoiding bigger tasks that would earn them larger rewards.”*

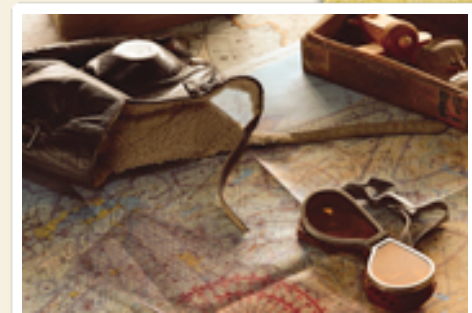
**- See my [post in regard’s to Aemilius Paullus](#) advice on this topic.**

16. *“Spreading oneself too thick or too thin. Undertaking too many activities may result in none being completed on time. Undertaking too few can also result in missed opportunities and reduced levels of accomplishment.”*

**- [A recent example of a lawyer spreading themselves too thin.](#)**

15. *“Distractibility and lack of concentration. Even some very intelligent people have very short attention spans.”*

**-Lawyers can definitely be scattershot and unable to block out distractions and focus on the task at hand. The always on email/Twitter/telephone environment we find ourselves in isn’t helping.**



*If you fail to plan, you plan to fail.*

The only real failure in life is the failure to try.

# “Failure is only the opportunity to begin again more intelligently”

- HENRY FORD

14. *“Wallowing in personal difficulties.”* Some people let their personal difficulties interfere grossly with their work. During the course of life, one can expect some real joys and some real sorrows. Maintaining a proper perspective is often difficult.”

**-I'd say lawyers tend not to have this problem as they are usually fairly emotionally detached from their personal lives at work. Where this tends to become an issue for lawyers is when their work becomes their personal lives; which is an easy thing to do for lawyers.**

13. *“Excessive dependency.”* Some people expect others to do for them what they ought to be doing themselves.”

**-Partners dump responsibilities onto senior associates, senior associates dump onto junior associates, junior associates dump onto paralegals. Every single one of the above listed probably dump domestic responsibilities on their partners.**

12. *“Excessive self-pity.”* Some people spend more time feeling sorry for themselves than expending the effort necessary to overcome the problem.”

**-Oh woe is the life of a lawyer.**

11. *“Misattribution of blame.”* Some people always blame themselves for even the slightest mishap. Some always blame others.”

**-I've met a number of lawyers who seem to have a propensity for self-flagellation over minor matters. However, lawyers can equally (if not more) lash out at others who they perceive as having contributed to their failure.**

10. *“Procrastination.”* Some people are unable to act without pressure. They may also look for little things to do in order to put off the big ones.”

**-There are always other things you can justify doing than that which actually needs doing. Responsibility begins with you. Don't put off that which needs doing. Psychology Today has a [blog devoted to the topic.](#)**

9. *“Fear of failure.”* People may not reach peak performance because they avoid the really important challenges in life.”

**-It can be very tempting to remain in your comfort zone and**

**avoid obstacles and difficult situations. But failure is not an end, it's just another step in the rode. Everyone fails, you just have to learn to deal with failure and not let it debilitate you from action in the future.**

8. *“Failure to initiate.”* Still others are unwilling or unable to initiate a project. It may be indecision or fear of commitment.”

**-Like I mentioned before, [never wait until you're ready.](#)**

7. *“Inability to complete tasks.”* For some people nothing ever draws to a close. Perhaps it's fear of what they would do next or fear of becoming hopelessly enmeshed in detail.”

**-It can be awfully tempting to write, edit, and revise continuously. Just a little more time spent on the opening paragraph, or a bit more time properly crafting the thrust of your argument – until it's midnight the day before the project is due. Make sure you keep the end goal in sight.**



The path to failure or success?



It is never easy.

6. "Lack of product orientation. Some people seem more concerned about the process than the result of activity."

**"The world makes way for the man who knows where he is going." – Ralph Waldo Emerson**

5. "Inability to translate thought into action. Some people seem buried in thought. They have good ideas but rarely seem able to do anything about them."

**-A lawyer is a knowledge worker. Lawyers are retained and paid because of their their knowledge and experience, but also on the ability to apply that knowledge and experience to problems and provide solutions. It can be easy to get so wrapped in the complexities and nuances of a legal challenge, that is difficult to actually put a pen-to-paper in order to craft a solution. Take careful consideration with your processes, but know when to wrap it up and take action.**

4. "Using the wrong abilities. People may not be using the right abilities for the tasks in which they are engaged."

**"When your only tool is a hammer, every problem looks like a nail." Don't get caught in the trap of over-specialization. As lawyers develop, there is a tendency to narrow one's skill and abilities to certain sub-sections of the law and with the broad spectrum of the law and dearth of lawyers, this is inevitable. However, make sure you approach a problem with correct focus and be mindful of the types of tools you will need to solve the problem.**

3. "Lack of perseverance and perseveration. Some people give up too easily, while others are unable to stop even when the quest will clearly be fruitless."

**-Law is hard. It can require long hours and sacrifice of one's personal time. It can eat away at the rest of**

**"The men who try to do something and fail are infinitely better than those who try to do nothing and succeed."  
~Lloyd Jones**

# “Fear is the mind-killer.”

THE LITANY AGAINST FEAR, FRANK HERBERT'S *DUNE*

your life. Maybe you feel like you were tricked into the profession in some way. Grow up. You choose this path, walk down it with your head held high and persevere despite the obstacles in your way.

2. *Lack of impulse control.* Habitual impulsiveness gets in the way of optimal performance. Some people do not bring their full intellectual resources to bear on a problem but go with the first solution that pops into their heads.”

**-This seems to be an increasing tendency in the Outlook/Blackberry/Text/Email/Twitter/etc world. People have come to expect such immediate responses to problems that often times whatever is offered as the first solution, is seen as the best solution - which is likely to not be the case. Lawyers solve problems, often times very**

**complex and difficult ones. Take the time to give the problems in front of you their due consideration and not try to speed off to the next in the name of client service or billing.**

and the number one reason is...

1. *Lack of motivation.* A talent is irrelevant if a person is not motivated to use it. Motivation may be external (for example, social approval) or internal (satisfaction from a job well-done, for instance). External sources tend to be transient, while internal sources tend to produce more consistent performance.

**Motivation: it is the single most driving, source that determines whether or not a lawyer succeeds or fails. The world is filled with bright, talented lawyers who have all the skills necessary to succeed at their craft but fail time and again**

**because of a lack of motivation. What determines whether someone is motivated or not is the stuff that fills psychology tomes and graduate courses. The inner workings of someone's mind and what motivates them to act is often a mystery - not just to others but to themselves.**

**Is it intrinsic or learned behavior?**

**Are lawyers not motivated because they might fail? Or because they might succeed? After which, people will expect them to succeed again and again and they don't feel as though they are up to that task. They fear, not failure, but their own success, so they never motivate themselves to meet the challenge.**

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