

Our Chosen Business: Developing Core Competencies

By Robert A. Creo

Previous columns have addressed the lawyer's reputation, self-awareness, professional growth, the art of persuasion, navigating emotions and the importance of perpetual learning.

The current series explores the importance of soft skills and the development of core competencies involved in decision-making and effective client representation.

My model addresses competencies with five broad categories that are each observable, teachable and learnable by lawyers. This model provides a way to become self-aware and gain insight into best practices to grow and integrate soft skills into productive habits. The five rough divisions are:

- Attitude and Attributes (beliefs, values, virtues, core identity, authenticity, empathy, self-compassion, curiosity)
- Ability and Agility (knowledge, talent, creativity, engagement, mindfulness)
- Affiliation and Association (connectedness, belonging, pluralistic identities, civic involvement)
- Autonomy and Accountability (self-confidence, initiative, responsibility, reliability)
- Achievement and Actualization (meaning, purpose, leadership, mentoring, wisdom)

Professional development to modify attitudes, perspectives and habits to produce lawyers eager to perform with pride can be based upon scientific principles, including neuroscience, human behavior and positive psychology. The integration of social science and applied research to legal education and lawyering is long overdue.

Although it may seem counterintuitive to start at the end and work backwards, that is what's best for the "sticky-ness" of understanding core competencies. This is not much of a leap for lawyers since we often help solve problems for clients by starting with a desired outcome and then exploring the strategies and steps necessary to make the facts fit with the law and procedural challenges. So, let's start at the end, in the basket of competencies deemed to fall within achievement and actualization.

Achievement and Actualization

The term actualization is properly associated with the work of psychologist Abraham Maslow and his hierarchy of needs. Many of us recognize this pyramid from our college introduction to psychology course. Maslow's hierarchy envisions a linear and progressive pattern of growth, depicted in ascending order. The steps in the hierarchy may be summarized as: 1) physical needs, such as for food, sleep and health; 2) safety and security, including living in a stable social, communal and political environment; 3) belonging and love, including unselfish love and altruism; 4) self-esteem, self-respect and healthy, positive feelings derived from reputation and status; and 5) actualization or "being" interests involving creative growth arising from fulfillment of potential, purpose and meaning.

Maslow contends that self-actualizers are psychologically robust individuals. Many view the proliferation of the multiple definitions of intelligence, such as emotional intelligence (EQ), as well as social and creative abilities, as part and parcel of the psychologically robust person postulated by Maslow as having achieved actualization. Note that Maslow contended that a person may still achieve actualization even if he or she may be only partially fulfilled at lower levels of the pyramid and only periodically or at times.

Victor Frankl, Eric Erikson and other academicians articulated similar concepts and theories regarding psychological contentment and self-actualization. Erikson utilized Freudian concepts to propose eight stages of psychosocial development, generally summarized as: 1) hope, trust vs. mistrust; 2) will, autonomy vs. shame, doubt; 3) purpose, initiative vs. guilt; 4) competence, industry vs. inferiority; 5) fidelity, identity vs. role confusion; 6) love, intimacy vs. isolation; 7) care, generativity vs. stagnation; and 8) wisdom, ego integrity vs. despair.

Underlying this theory is the perspective that what people actually need is not a tensionless state, but rather the striving and struggling for a worthy goal. This is not the total absence of stress or a search for total leisure, noted Erikson, who stated that people respond to "the call of a potential meaning waiting to be fulfilled." There are

similar lines of thinking and beliefs in Buddhism and other religions and spiritual practices that contend that calmness and contentment are mental states dependent upon intervals of struggle that challenge individuals to respond at their highest levels. Some strive for “suprameaning,” the ultimate meaning in life, via a spiritual avenue that depends solely on a greater power outside of personal control. This may involve a strong sense of faith in what cannot be fully understood or proven by logic or science.

Frankl noted research indicating a strong correlation between “meaninglessness” and criminal behaviors, addictions and depression. The theory contends that without meaning, individuals seek to fill the void with fleeting pleasures, power, materialism, hatred, boredom or neurotic obsessions and compulsions.

Autonomy and Accountability

Research into job satisfaction consistently identifies autonomy as being correlated with both performance and contentment. People who are self-confident and aware of their limits thrive in environments that promote independence and the acceptance of responsibility. Lawyers can be “self-starters” who take initiative, understanding that they have accepted a level of responsibility for the success or failure of their own efforts. Tension between autonomy and accountability can arise if those managing the daily tasks and progress of litigation or of a transaction leap in and out of the weeds to issue direction rather than providing oversight, monitoring and mentoring.

Reliability is a key element of this core competency. No one will delegate an important task to another lawyer they perceive to be unreliable. I believe it is improbable for a lawyer to achieve 100 percent reliability in all aspects of work and life. Not only are there difficult deadlines to meet while juggling multiple problems, there are active and passive opposition and



barriers extant in the adversary nature of law practice. Circumstances beyond our control, “unknown unknowns” and luck often waylay the best intentions, planning and implementation.

Affiliation and Association

I am always fascinated by the natural tension between autonomy and connectedness. We are individuals focused on our own interests, yet few humans exist or thrive in isolation. On the contrary, loneliness and being disconnected from others is a rising problem in modern societies. Hate crimes, such as the mass shooting at the Tree of Life Synagogue in Pittsburgh that took the lives of two of my former clients, are often perpetrated by individuals considered to be loners or outliers who are rarely engaged in civic or community groups. This is consistent with the social science theories that correlate isolation and lack of purpose with mental challenges.

Humans evolved and succeeded by living in groups. Most of us crave belonging, connection and being part of a crowd. I am a proud citizen of the “Steeler Nation” and wear the team colors proudly, regardless of the current win-loss record. We voluntarily create pluralistic identities by joining professional, community, religious and civic organizations. We engage in political groups or are activists for social causes or humanitarian movements. Social media provides a means to connect with like-minded individuals. Since we are unable to practice law in isolation, what our peers and others think of us does matter.

Affiliations and connections are important to well-being and professional performance. This goes beyond networking or prospecting for business. Our professional societies and organizations nourish our professionalism and often provide a safe harbor in times of stress or doubt. Affiliation supports us as humans and in our work.



Ability and Agility

Ability can be innate, such as in the person who is a natural at a task or quickly masters a set of skills. People have different talents and intelligences. The concept of EQ has great validity for the legal profession where we often trip up trying to eliminate or suppress emotions in the decision-making process. Our technical knowledge of law and procedure can be taught and learned. We can train ourselves in a variety of skills in a multitude of ways. We can choose to be engaged and mindful and to concentrate to study content or repeat a task until we are competent, if not proficient, in its performance.

There are other abilities that are more difficult to teach and learn. These are soft skills that are more abstract and mean different things to different people. Creativity is prized in problem-solving or innovation. Businesses want to hire the “outside the box” thinker and performer. Law firms? Maybe not as much, although with the march of technology and changing market

conditions, there is growing space in the legal profession for rebels and other non-conformists.

The other hot area in the business world is agility. Top business schools give considerable attention to organizations that are flexible, nimble and move quickly to confront challenges and opportunities created by technology and shifts in demographics and human behavior. The time has arrived for legal organizations to suspend judgment and be open and not attached to outcome in order to meet the challenges facing the profession. Adaptation has always been a core trait for success in evolutionary terms. Lawyers must accommodate the modern world by being agile enough to adapt, and adopt different ways of practicing and delivering representation to clients and society.

Attitude and Attributes

In so many ways, we are what we think. Our attitudes and how we view the world via the prism of our beliefs, values and

identities are part and parcel of the soft skills necessary to communicate effectively and act wisely. Attitudes and attributes are shaped primarily by culture and experience; however, human behavior can be modified by intentionally considering and adopting new perspectives and habits. I have spent a significant amount of time the last three years researching neuroscience and human behavior, paying particular attention to the studies and surveys of lawyers. I have concluded that there is much to apply from positive psychology and the common values found in religious, spiritual, contemplative and physical practices. This includes practices sweeping popular culture, such as meditation, mindfulness, yoga and other wellness and stress management techniques.

There are many, including myself, who advocate a focus on learning and living in what I call the 4G zone: Gratitude, Generosity, Grace and Grit. These are all attitudes inconsistent with the traditional view of lawyers as warriors or gladiators, which I do not believe in.

In upcoming columns we will dive deeper into core competencies and why I advocate for and promote a different path for lawyers to peak performance and contentment in this, our chosen business. ☞

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Pittsburgh attorney Robert A. Creo practiced as an in-house corporate lawyer and a solo and small firm general practitioner before becoming a full-time neutral. He has mediated and arbitrated thousands of cases, including as a salary arbitrator for Major League Baseball, a grievance arbitrator for the National

Football League and a hearing officer for the U.S. Senate Select Committee on Ethics. He has been on the mediator roster of the Court of Arbitration for Sports, Switzerland, which provides ADR services for international sports, including the Olympics. He has served as adjunct professor at Duquesne University School of Law and the University of Pittsburgh School of Law. He has a passion for storytelling and is a frequent presenter at The Moth. He is the principal of Happy! Effective Lawyer LLC (www.happy.lawyer) and author of The Effective Lawyer blog happyeffectivelawyer.org. His website is www.robertcreo.com. He is the recipient of the 2018 PBA ADR Committee Sir Francis Bacon ADR Award. If you have a story to share on this subject or other practice topics, please email racreo@gmail.com.

TAKEAWAYS

- Effective representation requires more than legal and technical knowledge and proficiency.
- Soft skills can be broken into five broad core competency categories and learned.
- Meaningful and purposeful work can be the platform for achievement and self-actualization.
- Gratitude, generosity, grace and grit can be integrated into effective lawyering.

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