

What Makes Lawyers Tick?

THE LAWYER PERSONALITY: WHY LAWYERS ARE SKEPTICAL

By Dr. Larry Richard on February 11th, 2013

I've been gathering data on lawyers' personalities since the early 1980's. Personality traits are typically measured on a percentile scale ranging from zero % to 100%. When large samples of the general public are tested, individuals' scores on a given trait typically form a classic bell curve, with the mean average for any given trait hovering around the 50th percentile. But lawyers are different. As I have written about elsewhere, there are a number of traits on which lawyers tend to score much higher or much lower than the general public—in short, we're outliers. The most extreme of all these outlier traits—the one on which lawyers consistently score higher (i.e., above the mean) than all the others—is Skepticism.

People with a very high Skepticism score tend to look at the world through a “glass half empty” lens—they focus on problems rather than on what's working well; they tend toward the suspicious; they assume the worst, and rarely give others the “benefit of the doubt”. They wonder what another person's “real” motive might be for any action that person takes. They question any assertion made by another person. And they tend to be slower to trust others.

On the surface, these may sound like negative thoughts and behaviors. However, considering the nature of what lawyers do for a living, these are quite functional and make a lot of sense. Many aspects of law practice require lawyers to scrutinize documents, transactions, actual or potential adversaries, deals, proposed actions, and the like, in order to protect their client. Lawyers are always asking, “What could possibly go wrong?” “What errors exist?” “Are there any potential sources of liability?” “Who might be at fault?” “Are there any exceptions to what has been asserted?” And, “Is there anything we should know about that hasn't been disclosed?”

These questions, collectively, are often thought of as “critical thinking”. There is no doubt that they enable a lawyer to protect the client. But these days, lawyers wear many other hats that they didn't used to wear—mentor, supervisor, manager, leader, rainmaker, committee chair, etc. And in all these newer roles, “critical thinking” – which in these other contexts can really be thought of as “negative thinking” – can actually get in the way. In fact, a steady diet of negative thinking can actually burn in neural pathways in the brain that deeply habituate a negative, pessimistic mindset, a filtering system that insures that the lawyer will see the half-empty glass and may even miss many of the half-full glasses.

Despite the need for more flexibility than ever before (specifically, there's a need for lawyers to be able to “turn on” or “turn off” the Skeptical mindset), the fact remains that in today's law practice climate, there are a number of reasons that high Skepticism is so common among lawyers and is likely to remain that way for some time to come.

First, because the personality trait of Skepticism provides an important advantage to any lawyer by making critical thinking more natural and easier, people with high levels of Skepticism are more likely to be attracted to the law in the first place. It feels more like a natural fit than many other jobs might. The more your personality aligns with the work you regularly do, the more likely you are to rate your job as satisfying. So the legal profession starts out with an overrepresentation of skeptics. (I'm using the word "overrepresentation" in the sense that statisticians use it—there are more high Skeptics in law than would be expected, based on their distribution in the general population.)

Second, for the same reason as above—i.e., the degree of "fit" between the person and the job—those lawyers with low Skepticism scores tend to drop out of law school and out of law practice (usually in their early years) at a higher rate than do those with high Skepticism scores. This "concentrates the herd" and results in a more overall skeptical cohort of lawyers who remain in practice.

Finally, Skepticism increases over time because lawyers work in a Skeptical environment. Every personality trait is partly dispositional (i.e., influenced by genes) and partly learned. Recent research suggests that genetics provide a larger contribution than previously suspected; however, Skepticism is an exception to that tendency—it is a trait that is significantly influenced by one's environment. This means that the longer a lawyer works in a workplace in which the majority of his/her colleagues think and talk in Skeptical ways, the more Skeptical s/he will become over time.

These three forces are all moving in the same direction, fostering a culture of Skepticism in most law firms and a pattern of Skepticism in most lawyers. Over time, this becomes just the normal background "noise" and is taken for granted. Plus, it's rare to find any counterbalancing force in most law firms that rewards "accepting" thinking or trusting behavior (the opposites of Skepticism). Skepticism is a one-way street, which is why it seems so normal to most lawyers, and why it's so hard for others—friends, spouses, staff, even clients—to shake lawyers out of their Skeptical mindset, even though, as noted above, in the newer roles that lawyers play today, lowering Skepticism and increasing accepting and trusting behavior is a growing necessity.

If, after reading this post, you find yourself taking my ideas with a grain of salt, you can begin to see the problem . . .