

# **The Legal Intelligencer**

## **The Legal Profession Needs More Givers Than Takers**

Thomas L. Sager, The Legal Intelligencer

February 18, 2015

Those of us who are old hands at practicing law have much to learn from a brilliant young professor at the Wharton School of the University of Pennsylvania about improving our industry's long-term outlook. Adam Grant—the youngest tenured professor at Wharton—has recently published a book titled "Give and Take," which is generating considerable buzz in the business world. He explores the types of interactions we have with others at work and illustrates how people who give without expecting any payoff can transform entire organizations and communities.

"Give and Take" was recommended to me by a dear friend and colleague who thought that I would derive great personal satisfaction in reading it. The reward for me was so much more than that, however. The book is a powerful guide for how the legal profession can not only regain its footing economically, but also find its moral compass. In the current legal business environment, even though we all can point to colleagues who are exemplary role models of selflessness, self-indulgence rules. The pressure to accrue billable hours makes it easy to forget that our profession has a broader responsibility to change society for the better.

The new reality is that the legal landscape has been rapidly evolving and is as unsettled as I can remember in nearly four decades of practice almost exclusively as an in-house attorney with DuPont Co. I have observed a profession stalled at an intersection, not knowing which way to turn. Under the thesis that "doing good" is good for business, Grant's book provides us some guideposts for where to go by artfully weaving scholarly research together with profiles of people he has encountered who exemplify the "giver" mindset. He has found that across the spectrum of professional careers—whether they be academics, professional sports executives, television screenwriters or scientists—those who invest unselfishly in their fellow human beings and their respective organizations will in the long run be far more successful both personally and professionally. By contrast, the "takers" are simply in it for themselves, which their colleagues eventually notice, resulting in distance and ultimately subtle or not-so-subtle ostracism.

When we apply Grant's thesis to the legal profession, it becomes clear that pro bono work is one of the best opportunities we have to be givers in the course of doing business. In so doing, we can instill in society a renewed faith in the legal system and the important role of practicing attorneys. Before exploring the transformative nature of creating a legal profession of more givers, however, let us consider several external forces that have given rise to the profession's current state, including:

- Law school curricula that for the most part are truly outdated and the unrealistic cost associated with obtaining a legal education, considering the limited opportunities that exist upon graduation.
- An industry that excessively caters to the premier law firms, with only modest attention being paid to preparing students for the practice of law as it will really exist for many, if not most.
- A legal marketplace that has become increasingly complex and competitive due to the rapid pace of globalization.
- The commoditization of legal work.
- The emergence and increased presence of nonlicensed professionals providing value-added legal-related services.
- The profession's failure to make adequate progress toward reflecting the diversity of the society it is supposed to serve.

Pro bono work may just be the logical starting point and platform for us to begin to address the glaring lack of diversity and inclusion within our legal system at all levels. It is through these activities that our eyes may be open to a significant number of underserved communities, populated by the very individuals who are underrepresented in the profession. Whether it is working with nonprofit organizations that serve the poor, advocating for disenfranchised voters, or working on behalf of an abuse victim, just to name a few examples, these interactions will enable us to touch people who could very well join with us in serving this underrepresented population.

A giver mindset could result in a far more accessible and civil bench and bar, a more intense and personal focus upon our youth, and greater attention to the importance of creating a highly diverse and sustainable pipeline of young legal professionals. Firms must focus on diverse hiring both as part of the ethos of giving and as a way to transform the profession. Peter Haviland, a Ballard Spahr colleague whom I consider a giver of the highest order, addressed the issue of diversity and inclusion in a recent "Minority Powerbrokers Q&A" with Law360. He stressed that law firms should simply talk openly about not only their shortcomings in this area, but also about how they plan to remedy the situation. As he put it, there is nothing complicated about it: "Law firms have tremendous resources and talent. If they really want to change their demographics, they can do so: It is really not so difficult to find people of color to do this job who are equally competent as the white people currently doing it."

So, "Give and Take" could serve as a powerful guide and resource. Our entire Philadelphia legal community, including our law schools, bench and bar, can draw from the lessons in Grant's book, apply them systematically, and begin to regain some of the stature and enduring influence we once had as a profession. These lessons certainly will not address all of the complex challenges facing us today, but can provide needed direction, traction and a cultural shift that our profession is in so need of presently.

Achieving these goals will require sacrifices from all of us, but the profession is at a crossroads, and there is a great deal at stake. The Philadelphia bar has a long, storied history of representing and protecting the interests of the disadvantaged and downtrodden in our community. Now, it's time to pass the mantle by personally investing in those young, talented and diverse professionals who anxiously want to learn from us and benefit from our rich legal experience. In this way, we will collectively instill greater trust and confidence in the judicial system and ensure that our

profession increasingly mirrors the society that we serve. And by "doing good" in this fashion, we will be doing good business, bringing increased prosperity to our profession.

***Thomas L. Sager** is a partner in the Philadelphia and Wilmington, Delaware, offices of Ballard Spahr and the former general counsel at DuPont Co. He leverages his experience steering the legal department at a heavily regulated, Fortune 100 global corporation to a broad portfolio of areas at the firm, including litigation and trial practice, internal investigations, environmental issues, and mergers and acquisitions. Contact him at 215-864-8344 or [sagert@ballardspahr.com](mailto:sagert@ballardspahr.com).*

Reprinted with permission from the February 18, 2015, issue of The Legal Intelligencer. © 2015 ALM Media Properties, LLC. Further duplication without permission is prohibited. All rights reserved.