

Pioneers and Pathfinders: Dr. Larry Richard Returns

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Zeynep Ersin

Welcome to Pioneers and Pathfinders, Seyfarth's podcast about the people and ideas reshaping the legal industry.

Kevin Young

I'm Kevin Young, an employment litigator and counselor, and I've spent my career putting new tools and ideas to work in client service and helping colleagues and clients to do the same.

Zeynep Ersin

And I'm Zeynep Ersin, I lead innovation and design thinking at Seyfarth, focusing on reimagining how legal services are built, delivered, and experienced.

Kevin Young

Each episode, we sit down with someone on the front lines of legal innovation to unpack what they're doing and what it means for where our industry is headed.

Zeynep Ersin

We'll keep it fresh, we'll keep it fun, and we'll keep it to 30 minutes. Let's jump in.

Kevin Young

Today's guest, Dr. Larry Richard, practiced as a trial attorney for 10 years before earning a PhD in organizational psychology. Today, he's a leading expert on why lawyers behave the way they do. It's a question that has puzzled my wife many times. He's got 30 years researching how lawyers behave and why. He founded Lawyer Brain LLC, which today advises the readers of major law firms on the human side of running a practice, things like culture, leadership, change management, resilience, and collaboration.

Zeynep Ersin

So, join us on this episode today to explore why lawyers, according to Dr. Larry, are among the least resilient professionals in the workplace. We'll talk about how the deeply ingrained skepticism of attorneys is colliding with the unprecedented pace of change brought on by AI and a rapidly evolving legal landscape. Well, hello Dr. Larry, and welcome to Pioneers and Pathfinders. Thank you so much for joining us today.

Larry Richard

Thank you, Zeynep. Good to be back.

Zeynep Ersin

So nice to see you. It's been some time since you and I connected, and I know that Kevin and I are very much looking forward to our conversation with you today. So, as we're getting started, I'd love just to catch up and hear what you've been up to, in particular since you were on the podcast last, which was, I think, about three years ago. So, what have you been up to?

Larry Richard

So, for the lion's share of that time, I've been working on a book, and the book is finished, and it's in the hands of the American Bar Association, who are publishing it. In fact, they're the ones that asked me to write it, but it's very exciting, and while I was doing that, I carried on my regular consulting practice, and

my wife and I renovated our house, so it's not something I'd recommend to anyone to do those three things together, but we did it, and I'm here to tell about it.

Zeynep Ersin

Well, congratulations, first and foremost. We're thrilled for you, very excited to have the book come out and get our hands on it. So, what is the book about?

Larry Richard

So, you guys know that I've spent a lot of time, 31 years at this point, and counting, studying the personality traits of lawyers. It's been my passion. It's been what I've used as kind of the source data, the evidence that I use in my consulting work, and I'm a fanatic about science and evidence-based practices. I want to know when I do something that it's going to work and that there's science behind it. And the lawyer personality data is one form of science that initially was just kind of a distraction, a curiosity. Oh, isn't this neat? The, you know, lawyers are a little bit different, but the more data that I gathered, the more it became very, very clear that the people who go into law are dramatically different from other people, and that there are some very, very consistent patterns, and I'll call them atypical patterns. Looking back now on 31 years, we are not like the other kids, I mean, we're, we're really different, and those differences help us practice high-quality law, and they create some problems. So, the book is about one particular trait, kind of the master trait that lawyers have, that's atypical, called resilience, and we're dramatically lower in resilience, we're both dramatically lower and pervasively lower, dramatically lower in the sense that the average score for lawyers on resilience, and in a minute I'll explain what that trait is, we're 20% lower than the public, that's a big difference, but it's not just that, it's when you look at not just the average, but you look at the distribution of the scores. How do they spread out? Where do they land on a typical bell curve map? We're all squished into the lower portion of the bell curve. 90% of the lawyers that I test are in the bottom half of the scale. You expect 50% in any normal bell curve distribution. We have 90% of us in the bottom of resilience. So, what is resilience? It's about how you cope with stress, with life's bumps, how you adapt when you're under stress, and it's everything from dealing with criticism or rejection to really big setbacks, like, you know, a house fire or a serious illness or something like that. And high resilience people do two things well, they tolerate life's bumps, so they're kind of thick skinned, and when it finally does get under their skin, they recover really quickly and really well, but low resilience people do nothing of the sort, we suffer, we get defensive, we're very easily wounded, we're insecure, easily hurt, and we always try to explain things. Oh, you don't understand. See, I did this because I had a good reason. So we get defensive when a litigator is in the courtroom. There's a paid adversary opposing counsel who's trying to ruin my day, but it doesn't phase me. It doesn't make me go ouch. It just makes me double down and say, oh yeah, watch this. So, of course, we look like we're really high in resilience, because resilience thrives when there's ambiguity. They're so well trained, the lawyers, that they're not going to have ambiguity, they're going to have high confidence that the things I'm doing to serve my client are right. Even the smallest little doubt about, oh, was I a little bit too rough, was I tactless? You think you weren't, but there's enough doubt that the resilience is going to make you start wondering, and there's a good reason for that, which we can get into later, but the book is basically about two things. Thing one, why are lawyers so low in resilience? This was what the ABA asked me first. They said, why is this so pervasive and so consistent over 31 years? There must be a reason, and at first I didn't know, but as we researched this, it became very clear why this is such a big problem for the legal profession. And then the second question they had is, can we do anything about it? And there's a big yes, but all told, it's a large collection of very, very effective strategies that people can take control of themselves and put to use almost immediately.

Kevin Young

Dr. Richard, that's fascinating. One question out the gate is the low scoring, is the absence of a strong resilience trait among lawyers something that has been consistent and steady throughout the 31 years that you've been researching it, and because I sit there and think work has changed and people have changed and society has changed so much, even in the last three years, much less over 31 Is it something that has kind of ebbed and flowed, or has it just been a steady miss for the profession?

Larry Richard

So that's a great question, Kevin, and the answer is not only has it been stable, but of all the outlier traits, there are seven outlier traits that lawyers have among the 21 traits that are measured altogether in the test I use, called the Caliper Profile. So, Caliper measures 21 traits. Lawyers score the average score for lawyers is below or above the standard deviation for seven of those 21 traits. How does that compare to other occupations? The average for other occupations is zero. In other words, the norm is to have variation on the test scores anywhere from 1% to 99% for individuals, but most people score middle scores and lows and highs cancel out. So, when you look at the aggregate, you look at all 21 traits for accountants or all 21 traits for teachers, you're going to see trade after trade after trait, the average is somewhere between the standard deviation goalposts of 40% and 60%. We can call it a 50% average if you want. That's kind of a consensus that people use in this particular field, but anytime an average score goes below 40 or above 60, it's headline news, and we have seven of the 21 that are headline news.

Kevin Young

And do you find is it something that, if you looked at, say, like the most junior of lawyers, is it something that we come in with, or is it something that you're finding the profession kind of does to you?

Larry Richard

So it's both, but it's more of the experience in training as a lawyer, and then practice as a lawyer. Number one is not surprising, shouldn't be surprising to anybody, and that is, we are incredibly off the chart high on skepticism. I can't tell you how many times I've mentioned this in a conversation with a managing partner or some other law firm leader, and they're like, oh, you can see me, like it's like, you know, you've stripped them naked, and they thought, oh, I thought I was behind the veil of invisibility, but apparently you can see that. Yes, we're trained to be skeptical in law school, and that's because skeptical thinking is what we use to protect our clients. It's an essential, vital skill for practicing law. So, what's the problem? The problem is it's a two-edged sword. The training and skepticism trains the neural pathways in our brain to get very good and very efficient at looking for problems at. Looking for what could go wrong at looking for explanations that are kind of challenging the narrative that somebody gave you at looking for exceptions to the rule at challenging motives that people might have, like what are you really after? Why do you say this to me at this point in time? So this is all stuff that we do. Let's take the example of I saw you playing golf when you should have been working. If I have a lawyer brain, I hear that accusation and my brain is now going to search for how does that affect me? What meaning am I going to make from that accusation? Is that a serious accusation? Am I going to have reputational damage. Well, that's not a question of fact, that's a question of opinion. And where does your brain go to get that opinion? It goes and says, what's the most easily accessible answer to that question? Well, we actually have a very grease lightning neural pathway called negativity that we've been trained in, and we reinforced year after year after year, and that's where it goes. It comes up with a negative internal explanation. We go for the negative explanation instead of something that you know we can live with, something more positive. So that's part of what's going on here. And I'm basically measuring partners in law firms, so they've had three years of law school, and 8, 9, 10, or more years in associate training before I get to measure them, so they've had at least 13 years to burn these neural pathways in really, really well, and that's not surprising that somebody enters law school, and to answer your, your original question, Kevin, when they enter law school, the skepticism is about

10% higher than the public. Instead of a 50% average, it's around 60%. So, what that means is clearly there's some self-selection going on. People who are more skeptical go into the legal profession at a slightly higher rate. But then two interesting things happen. Number one, three years of law school trains us in skepticism, so by the time we get out, we're more skeptical, because skepticism is one of the rare traits, like resilience. It's learned more than genetic. The vast majority of personality traits, 18 of the 21 caliper traits, are more genetic than learned. There's some of each, but there's an overwhelming amount of the genetics, the hereditary contribution, and a little bit of the learning for most traits, but skepticism - we're all born trusting, and we learn to be skeptical.

Zeynep Ersin

As we continue to talk about, in particular, kind of the impact of the environment in which you're in, and how it correlates to resilience. I did want to quickly ask for this current moment that we're in with emerging technology and AI and the push to adopt certainly across legal as well as so many other industries, what is your take on how that translates in terms of the ability for attorneys to embrace emerging technology, given their propensity and their scores on the resilience scale.

Larry Richard

That's also a really great question, and a very, very important one right now in this moment that we're in. So think of it this way, we all - by we, I mean human beings - all have a circuitry in our brain that informally we'll call it the threat circuitry, and the purpose of that circuitry is to keep us alive. It's to protect us from threats, and it scans our environment 24/7 awake or asleep, alone or with others. It's always scanning for things that could hurt us or kill us, and the mechanism that it uses is change. So, when change in the environment that we're in starts to accelerate and accelerates to the point where it's noticeable, it triggers that threat circuit. There have been study after study after study over the last 40, 50, 60, years showing that the pace of change has been increasing, and there was a time before any of us were born when change was glacial. It was so slow that generations experienced the way things are is the way they always are. They just, you know, in the 1850s when they didn't have even railroads, they had the horse and carriage. People could live their entire lives, of course, the lifespan back then was like 37 years, but they could live an entire lifetime, and from childhood to bedside dying, they could say, yeah, you get around on a horse and buggy, and there was no sense that there's any change in the world, and then over time, roughly in the 1970s we surpassed the point where the pace of change was speeded up enough that people during their lifetime started to go, "Hey, wait a minute, something's different here, and now that's accelerated to the point where every day we get up and we go, like, "Wow, what's today going to bring?" So it's really accelerating in an exponential way, and if you know exponential, it's nothing, nothing, nothing, nothing, hockey stick, and it goes vertical, and suddenly it accelerates, and so we have that kind of change right now, and the brain was designed for what they call episodic change, what that means is a brief threat of some sort, let's say a loud noise, which we respond to in the moment, and it's, you know, fight, flight, or freeze is our typical response that we're wired for. And either we succeed, we run away from the animal that's at our cave, or we fight the animal and we win, or we lose, and it doesn't matter, we're dead, or we freeze, and they don't notice, and they lose interest, but any of those strategies, they're over in five minutes, and then we resume our normal breathing, our pulse heart rate, everything goes back to normal, and we're good to go. That's what our circuitry was really designed for. That's not the main type of change that we have today. What we have is change that's ongoing and outside of our control, and highly threatening, and those are three toxic qualities of change that really, really fire up our amygdala, which is the two organs that are the main sensors of the threat circuitry, and there's even been a neuroscience study that shows that those organs in our brain over the last 10 years have hypertrophy, they've grown larger and more hypersensitive. We're more jumpy, we're more threat sensitive, we're more likely to see a threat in things that previously wouldn't have triggered the amygdala, and that's not a good thing, because a lot of the things that we're dealing with that are in the category of stressor that are ongoing are things that we have no control over, so this ties Zeynep back to your question. How does this affect those traits?

First of all, when the threat circuit detects a threat that's high level, like that, I call it a red alert threat. This could really hurt you. It wants to immediately find a solution to get you out of threat's way, and what it's going to do is do some assessments that are cognitive in nature. It's going to ask questions like, what's the nature of this threat that I'm detecting? How close is it to hurting me? How badly can it hurt me? Are there any strategies that I can use to evade it or to mitigate its impact? These are good questions for a threat circuit to ask, but they require a different part of the brain's real estate to answer them successfully, and that is the intellect or the prefrontal cortex. And unfortunately, that's the same real estate that we use to practice law. And the threat circuit doesn't say, 'Excuse me, Kevin, I'm going to borrow a pound of cognitive resources from your brain, it just takes it, and it's taking it for a good reason to figure out if you're under threat, but meanwhile you're sitting there looking at that legal document you drafted, and you're going, "God, I read it three times, I can't grok what it means, or you're feeling irritable, and you can't explain why, or you're sleepy, or you're feeling depleted, and so many people are walking around today with those things, depletion, irritability, distractibility, and the reason is our cognitions have been hijacked, and sometimes hijacked permanently. I mean, this is a risk management issue, we're operating with less than a full deck, and we don't know it, we think we're okay, we think we're 100% but we're not. That's reason one, that this affects lawyers, because we use that part of our brain. Number two, every one of these personality traits affects our resilience and our capacity to respond to the threat, because what is resilience in the end? It's really just adaptability, it's the ability to adapt under the stress of coping with some sort of bump in your, you know, in life, and high resilience people are very good at adapting, finding a way to accommodate an unexpected hiccup in their life, whether it's a criticism or an illness or whatever, the high resilience person figures out a way to just gracefully go around the problem, whereas the low resilience person is hair on fire. So these personality traits don't do us any favors. They all in some way reduce our resilience, and luckily it doesn't have to be that way.

Kevin Young

Dr. Larry, it's an interesting time in which you wrote the book, I think you said over the last three years, and the last three years has been a time of very pronounced change with the proliferation, obviously, of generative AI, and I feel like we're seeing by the day an announcement of new tools and technology that can do things we wouldn't have been able to imagine even when you started writing the book just a few years ago. Is there anything, and kind of seeing how things have evolved, and seeing from what you can how lawyers have responded and adapted or embraced? Is there anything that's surprised you about how lawyers have been able to kind of meet the moment and evolve with the times?

Larry Richard

Well, that's a hard question to answer, Kevin, because how have lawyers met the moment? It's very mixed, and I don't see a clear throughline to how lawyers have responded. Some lawyers have embraced AI and are going full speed ahead and are doing what they do with other legal issues, are quickly getting up to speed as experts and innovating and finding ways to apply that, and you have lawyers backing programs like Harvey and other really innovative platforms that are aimed at the legal profession that are stunning in their scope and their potential, and then you have other lawyers that are going, the sky is falling, and this is going to take our jobs, and what am I going to do? I better look for some alternative, or I better retire early, or they're going in that direction, and neither of these surprises me, because lawyers have a higher IQ than average. We're about 20% above the bell curve as an average, and many lawyers are much higher than that. We're also forced by our practices to be inventive, it's just something that's always been part of the legal profession, you know. You have to be more creative in figuring out how to win your case or draft your document than you know the opposing counsel is. So, I think that that's in our blood. I think the irony is, while innovation seems to be kind of a bedrock of practicing law, translating that skill to other areas like AI is not as easy, and some lawyers seem to be able to make that bridge, and other lawyers can be innovative in their practice, but they don't seem to, they can't seem to figure out, or haven't, at least figured out how to do it in their practice,

and that too doesn't surprise me, because a couple things. One, this is a profession based, you know, our education, the legal system is based on precedent. You've got a whole universe of human beings who are trained to ask a question, what have we done already, and to respect what we've done already as the best way to do the future. That's got to have some influence on at least a large portion of lawyers, and then you have the personality traits on top of that, which the skepticism, oh, this is just a fad, this AI stuff, it'll pass, right, that's one possible way of using skepticism. Abstract reasoning, if you take it too far, you can think of so many ways that you could deal with this, that you don't do any of them. The profusion of choice, too many choices, cripples people's ability to act. There's actually science that says that autonomy. Suppose the leader of a firm says, "I think we need to tackle this AI thing, let's get all aligned behind this one strategy," and the herding cats autonomy of lawyers says, "Well, not so fast. Let's have a conversation and let me poke holes in your idea," and we all know how that goes. So our skills as lawyers sometimes work to make it harder to be very adept at adopting a new technology or to pivot in a new direction, and I think both of those things are going on, the immense innovation by some lawyers, and the, you know, the rapid pivot, especially in my experience. This is not data, this is just my observation. Younger lawyers seem to be better skilled at pivoting quicker, and maybe it's because if you look at the speeded up timeline, they grew up in a much faster pace of change than older lawyers did, and maybe they can make changes quicker than the older lawyers do. Again, that's my speculation, not data that I have.

Zeynep Ersin

I'm curious, is there anything that has actually surprised you, you know, with respect to attorneys and their adoption of AI, you know, that potentially either goes against what you've learned over the years or just was unexpected in terms of how you thought some pieces of this would go.

Larry Richard

I think what surprised me is the learning curve of AI itself. When ChatGPT first emerged, and they said they gave it a bar exam, and I forget what the score was, but it was a mediocre score, it's like a D level score, and OpenAI said just wait, but it was just like a couple months after that that they went from ChatGPT 3.0 to 4.0 and the bar exam, they did it again with the new platform, and it was like 98% and I remember at the time reading that news clip and going, holy moly, this is moving much faster than I ever imagined any technology would move, and if they've gone that fast, so far. This doesn't seem like a linear thing. This seems like an exponential thing. 20 years ago, they used to joke that the future of law is a man, a dog, and a computer, and the job of the computer was to practice law. The job of the man was to feed the dog, and the dog's job was to bite the man if he tried to mess with the computer, and so you know that was told as a joke, ha ha, but you look at what's going on today, and that could be, or something like that could be the future.

Kevin Young

Certainly. I mean, without question, things are changing, they always have been, and but they're changing fast now, and certainly there are many firms and legal departments and organizations that are doing everything they can to keep up and to use what's out there to improve the delivery of legal service in a lot of ways. I think of law firm like ours or others that are really invested in delivering innovative solutions using what's available now. A lot of it feels like change management, things we've dealt with for a long time. How do we get this new tool or this new approach to really stick? Because creating something that's innovative and helpful is one thing, but getting people to really buy in and utilize it is something different and no less important part of the equation. And I'm curious, Dr. Larry, from your research, are there certain things you know, if you're a law firm leader or organizational leader, using the research you've done, are there certain things you would do to really drive more effective change management to evolve to embrace these different technologies that might be available?

Larry Richard

Definitely, there are. First, I should mention that my training in my graduate program in psychology was in change management and organizational behavior. It was a group dynamics program, not a clinical psychology program, but change management is what I was trained in initially, and it's still near and dear to my heart. And a lot of the science about change management, there's nothing really, really new, there's maybe one or two new things that have come out recently, but the basic core ideas of how you get people to change is summarized by John Kotter, K O T T E R, at Harvard, who's now a retired or emeritus in the business school there, but he's published over the last 30 years, maybe 10 different books on change and change management, and they're all empirically based. And one of the things we've learned from his excellent research is that there are a series of kind of checkpoints or stages that you have to go through to get people to change. The default for human beings is homeostasis, and for all living organisms, we're naturally designed to keep doing things the way we've been doing them, because they keep us alive. Change always brings risk with it, and so our default is not to change or to change gradually in ways that we can predict, so how do you get people to change, especially to change significantly or dramatically fast? That goes against our instinct, and that's human beings in general. Now, you take lawyers who are more conservative and are trained in stare decisis, and who have all of these traits we've talked about, and we are even more resistant. You know, high autonomy comes to mind as one of the key traits, and skepticism and low resilience - all of these things impede our willingness and even openness to talk about change. So, what do we learn from all of this science? First of all, it takes an iterative process. It's not something you can just send a memo out and expect people to read the memo and change on Monday morning. That never works. It's a series of steps that has to take place, and most of them are different ways of getting people's buy-in. And by buy-in, we're talking about open-mindedness. I see that you're asking me to set aside something I'm very comfortable with, and to step into my discomfort zone to take a risk, because the promise of doing so is that it will benefit me or benefit my practice or benefit the firm, and that's a big ask for anyone, but it's an especially big ask for lawyers with all the qualities that we've talked about, and yet it can be done. There are a lot of ways to do that, but there are certain things that we should never do. Number one, and I've mentioned all of these in our conversation, just not with this frame around it. Number one is because we're all trained in law school to think like adversaries, even if we're ultimately we go into a transactional area, we're all trained to think as adversaries. So, when somebody poses a proposition, I think we should adopt this AI plan. Our lawyer training kicks in, and we go, oh yeah, and we're immediately going to think of the three reasons why we shouldn't do that, even if it's against our own interests, because that's what our training is. So that's thing one. Now, maybe we can overcome that, but that's definitely on the table. Number two, I said we're all high in autonomy, we don't like being told what to do, and when somebody says we should adopt this new AI approach, the little part of the brain that's reserved for maintaining your autonomy perks up and goes, "What did you say? You want me to change, you want, you want to tell me how I should behave in the future." Now I cross my arms and I go, "No way, I'm not going to do that, just because I don't want to concede, and let's add abstract reasoning into it, because not only because I'm skeptical, but I want to show how smart I am. So I'm going to poke holes in your plan, just in case those three qualities didn't prevent the lawyer from adopting the requested new behavior." Resilience is on the table, and resilience as a trait has a distortion field that it brings with it. In other words, people who are low in resilience, we distort incoming, we distort reality. So, when someone says, well, I'll give you an example, we're walking down a street, Kevin, and we pass a men's boutique, and in the window they have this absolutely beautiful hand-tailored suit, and I know you're about to go to a very important meeting that you're going to lead, and I say, "Hey, look at that suit, you'd look great in that," and most people would say that's a compliment, but if you're a low-resilience lawyer, what do you say? You say, "What are you saying, Larry? Do you don't like what I'm wearing?" Because the distortion field of resilience highlights the implied negativity and ignores the factual positivity. We will wrestle that negative implication and ignore the reality of the compliment. So, just to make my point, when you are trying to persuade somebody and you say we

want you to adopt this AI plan, that's not what your lawyers are going to hear. What they're going to hear is because you haven't adopted this already, you're deficient, and they are not going to let that reality have any sort of success. Other than that, there's no reason to not persuade lawyers.

Zeynep Ersin

Well, we've learned so much today, and there's so much more to continue learning as we get access to your book and delve deeper into that, but in closing, I did want to ask one more question, and I think perhaps our listeners might find this interesting, but have you read any books, articles, or watched anything lately that made you think differently?

Larry Richard

Yeah, going back to what I said a minute ago about group dynamics, there's a book by Colin Fisher called *The Collective Mind*, and he studied at Harvard under Richard Hackman, who was one of the leading experts in group dynamics and organizational behavior, who sadly passed away a number of years ago, but Colin Fisher has a superb understanding of group dynamics. What he says in this book, he's done some research that shows that when you want work groups to perform at their highest level, a lot of people focus on things like building trust, and he shows that while trust is important, it's often a product of what you do, not the way you get people to perform, and that paying attention to structural things in groups, such as how large is the group, because the larger it is, the less efficient it is, how much turnover is there in a group, how much leadership is there, and above all, how clear are the goals that the group has. Those structural elements are going to be much more important in the success of a group than interpersonal things like trust, not that they don't matter, and that insight, you know, that stuff about that has been in the literature before, but his research really puts a fine point on it and teaches us some new nuances about that particular issue that are very helpful.

Zeynep Ersin

Well, thank you so much, Dr. Larry. It was an absolute pleasure to spend time chatting with you. We are most appreciative of your time and your insights. The decades of experience you have focusing on this and understanding the lawyer brain.

Kevin Young

This has been fascinating, so many really insightful thoughts to unpack. We look forward to your book. And do you have a release date on the book?

Larry Richard

They're telling us end of June or beginning of July, so we'll see.

Kevin Young

Well, congratulations. Thanks for spending your time with us. We can't wait to read it.

Larry Richard

Thanks very much for inviting me. It's great having a conversation with you guys today.

Zeynep Ersin

Thanks for spending time with us today on *Pioneers and Pathfinders*. I'm Zeynep Ersin.

Kevin Young

And I'm Kevin Young. We'll see you next time.