

Talent Gets You Noticed, Character Gets You Recruited

How Better Teammates Create a Better Legal Profession

BY J. RYANN PEYTON

Excelling at the practice of law requires many of the same attributes necessary to excel at the practice of sport: the diligence, focus, and commitment necessary to hone one's skills; the tenacity, heart, and zealousness necessary to compete; and the ability to achieve success as an individual and as a teammate.

For most lawyer/athletes, these themes have been ingrained in our brains since we were children, and we attribute some degree of our professional success to the lessons we learned on the fields, courts, rinks, diamonds, and tracks of our youth. Wisdom imparted by coaches and team captains now permeates our courtrooms, boardrooms, and law firms.

Before I was a lawyer, I was a Division I college athlete. But before I played lacrosse on the national stage, I was a 16-year-old with a homemade highlight tape doing whatever I could to garner the attention of college coaches. It was through this process that I received some of the most valuable advice of my young career: talent gets you noticed, character gets you recruited.

This advice rings just as true today in my law practice as it did 18 years ago during college recruiting visits. Talent can only take you so far. Achieving professional success requires the character to set yourself apart from the homogenous stats and highlights of a typical legal professional.

From the public's perspective, the practice of law is not a team sport. Most interpret the talent, skill, and accolades of practicing law as individual in nature. And as a profession, we are quick to celebrate the individual lawyer with award after award and list after list, constantly recognizing the "stats" of the legal profession: verdicts won, damages awarded, deals closed, business de-

veloped, leadership positions achieved, and so on. We become so focused on developing the stat sheet and the highlight reel that we begin to believe our raw talent is all that is required of us to achieve success.

Of course the ability to write a brief, close a deal, make an opening statement, or cross-examine a witness are all important skills for finding success in this profession. But to truly set yourself apart, you must also understand the intangible aspects of who you are—the things that can't be quantified but make all the difference in how you contribute to the profession. How do your character, your civility, and your professionalism make the legal community better?

Do You "Sweep the Shed"?

The most dominant team in the history of professional sports is not who you might expect. It isn't the Yankees, the Patriots, or Real Madrid. It's the New Zealand All Blacks rugby team. As James Kerr discusses in his book *Legacy*, the goal of every All Blacks player is to leave the national team shirt in a better place than when he got it—to contribute to the legacy of the team by doing his part to grow the game and keep moving the team toward success.¹

To achieve this goal, the players realize that no one is too important or too talented to do the little things required each and every day to get better. Each player must eat right, sleep well, and take care of himself both on and off the field. Each must work hard and train hard. Each must contribute to the growth and betterment of the team.

And each player must sweep the shed. After every match, played in front of 80,000 plus fans and millions of TV viewers, after the camera crews have left and the coaches have finished speaking, when the eyes of the world have turned

elsewhere, there is still a locker room to be cleaned—by the players!

If the New Zealand All Blacks are sweeping their own locker room, then surely we should be out there helping younger lawyers, doing our part to improve the profession, and setting a positive example for others.

Are you leaving your uniform in a better place, or are you counting the days until they retire your jersey? Your talent alone does not exonerate you from having to do the work to sustain the profession. Each of us has an obligation to represent all those who have come before us and all those who will come after us. You are the profession's greatest asset. Achieving a higher level of success means becoming a better person and a better professional.

Kaizen for Lawyers

The concept of "kaizen" is frequently used in the corporate and sports worlds to inspire continuous improvement through the aggregation of marginal gains. The Japanese word for "continuous improvement," kaizen refers to activities that continuously improve all functions and involve all team members or employees, from the CEO to the assembly line workers.

Kaizen is a daily process, the purpose of which goes beyond simple productivity improvement. It is also a process that, when done correctly, humanizes the workplace and eliminates overly hard work. In all, the process suggests a humanized approach to workers and to increasing productivity: "The idea is to nurture the company's people as much as it is to praise and encourage participation in kaizen activities."²

Toyota is perhaps the most famous corporate example of kaizen in action. Since the end of World War II, the Toyota Production System has extolled the virtues of lean manufacturing: producing quality products through the complete elimination of waste, inconsistencies, and unreasonable requirements on the production line— notions that are core to the kaizen philosophy. Much of Toyota's success and innovation over the years has been attributed to its focus on kaizen and on improving processes rather than products.

Marginal Gains

Over the past decade, Britain's cycling team has become a powerhouse. The squad has gone from four medals at each of the 2000 and 2004 Olympics to leaving the last three Games at the



Left: Ryann at age 11 on the Lake Forest Country Day School field hockey team.

Right: Ryann as a freshman on the University of Denver women's lacrosse team.

top of the cycling medals table, with at least 12 in their bag. At the Rio Olympics in 2016, every member of the 14-strong track team won at least one medal. Team Britain's improvements were so noticeable that other teams demanded a full investigation into Team Britain's presumed cheating and doping. Instead, Sir Dave Brailsford, the head of British Cycling, applied a theory of marginal gains to cycling: he gambled that if the team broke down everything they could think of that goes into competing on a bike, and then improved each element by 1%, they would achieve a significant aggregated increase in performance.³

When you take a concept and break it down into parts, you start to see all of the influences on success. For the British cycling team, this included small things like washing hands more frequently to avoid getting sick, and traveling with a personal pillow to get a better night's rest. The idea is to identify the critical success factors, ensure they are in place, and then focus improvements around them.

100 Things You Can Improve 1%

We have seen how this concept applies in the corporate world and in athletics, but it can also be applied to the practice and profession of law. Look at your practice and the profession of law in Colorado. Can you break the profession down into parts and identify 100 influences that you can improve by 1%? Perhaps it is the time of day you start working, the number of times you communicate by email versus phone, or the subjects and ideas around which you interact with your peers. Think small, not big, and adopt a philosophy of continuous improvement through the aggregation of marginal gains.

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Forget about perfection; focus on progression, and compound the improvements.

Let's all become teammates in improving the profession of law. The marginal gains approach doesn't work if only half of us buy in. If everyone buys in, it creates a contagious enthusiasm. Everyone starts looking for ways to improve the profession. There's something inherently rewarding about identifying marginal gains. People want to identify opportunities and share

them with the group. Our profession can become a very positive place to be.

Conclusion

We're all in this together. While our personal success is important, the success of the profession is paramount. This is our legacy. If Colorado's lawyers will commit to sweeping their own shed and embracing a kaizen approach to constant improvement, we can make the profession of law in Colorado a national model for collegiality, sustainability, and achievement in legal practice. ^{CL}



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NOTES

1. Kerr, *Legacy: What the All Blacks Can Teach Us about the Business of Life* (Constable and Robinson 2013).
2. Tozawa, *The Improvement Engine: Creativity and Innovation through Employee Involvement* 34 (Productivity Press 1995).
3. Harrell, "How 1% Performance Improvements Led to Olympic Gold," *Harvard Business Review* (Oct. 30, 2015), <https://hbr.org/2015/10/how-1-performance-improvements-led-to-olympic-gold>.