

Business & Careers

Cognitive biases can negatively influence career



David Namkung

How do we make decisions? On a day-to-day basis, we subconsciously rely on what psychologists call heuristics to help us sort through the barrage of information to which we're constantly exposed. Heuristics are mental formulas and shortcuts our brains develop through experience that enable us to efficiently make decisions without having to really "think" about it—they allow us to run a significant portion of our lives on autopilot. For instance, as you make your way to work each morning, you depend on the second-nature heuristics that signal you to stop your car when the light turns red.

Heuristics are extremely helpful when

we need to make snap judgments, but because they primarily operate by focusing our attention on just one aspect of the problem at hand, they can lead us to ignore other important factors and alternative solutions. Consequently, when we approach complex situations with simple heuristics (thus making judgements through what psychologists call cognitive biases), we are prone to ignoring key information and acting irrationally, thereby making decisions that are not in our best interest.

Through the Counsel Network's collective experience interviewing thousands of associates in large firm environments, we have noted the negative effects certain cognitive biases commonly have on an associate's career decisions. While heuristics can prove to be a valuable tool in day-to-day decision-making, they can work against you when it comes to making critical decisions about your future—the first step to combating such biases is by first recognizing how they may already be influencing your decision-making.

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Status quo effect bias

Individuals are generally predisposed to delay or refrain from making life-altering decisions until they are pressed to do so. This is reflected in the "status quo effect" bias—the desire for things to remain the same.

An example of the status quo effect is when an individual stays in a romantic relationship with a partner they have no intention of remaining with for the long run. Ultimately, both settle into an arrangement they aren't entirely satisfied with or envisioned for themselves because they are currently comfortable and afraid of the unknown—they will end things next year...maybe.

We see this same behaviour with mid-to-senior level associates. While many know they do not seek to make partner in their current firms and they appreciate that their career options will begin to contract without a portable practice after a certain point, they delay considering alternative options each year because they believe they are too busy with back-to-back transactions or multi-week trials to take the needed time to think about their careers. Meanwhile, opportunities pass by, including their potential dream job.

These associates will only disrupt the status quo effect when they understand that their careers and opportunities are equally, if not more important than their client matters.

In-group bias

The bias that suggests a particular group is superior to others is among the most powerful cognitive biases that affect associates, particularly those in "top-tier" firm environments. While this "in-group bias" can positively serve to boost self-confidence, create meaning, foster loyalty and enhance a corporate culture, it can also lead associates into blindly assuming that competitor firms cannot provide materially better career opportunities. As a result, associates often assume that if they do not like private practice in their particular firm, they would certainly not enjoy it elsewhere, leading many to quit the practice of law entirely based on their very limited experience.

In-group bias often causes unhappy associates to assume they need to make a dramatic career change by seeking a radically different career, when the factors

underlying their unhappiness may be unique to their particular firm environment or the partners they work for. Associates who recognize that various environmental factors beyond their firm's brand can influence their degree of happiness and success within private practice tend to make better career decisions.

We have witnessed numerous associates nearly flee the profession of law only to thrive by counter-intuitively going across the street, gaining more responsibility over files, better mentorship, more predictability with their schedules, or just by being treated with more dignity.

Focusing effect bias

It's common for associates to believe that going in-house is their only suitable "Plan B." This is sensible as legal skillsets tend to fit most squarely with career opportunities in private practice or in-house. It is crucial, however, for associates to carefully consider their motivations for setting an in-house job as their goal.

Often times, associates base their idea of going in-house on just one factor—most notably, lifestyle. The other common driver towards in-house is the desire for associates to get more involved with business and strategy. The "focusing effect" bias is the tendency to focus two options in one dimension rather than taking all considerations into effect. Instead of focusing on just one or two factors, it is beneficial for associates to consider how a particular in-house opportunity might affect a myriad of variables, including their relative financial and skills progression, degree of interaction with others (colleagues, third parties and external counsel), the volatility and culture of the industry, etc.

The desire to transition in-house can be a very attractive and viable option; however, the key for associates is to gain a complete picture on the motivations that are driving them towards such a change, as opposed to merely focusing on one aspect of their career that they're determined to adjust.

You may recall this statement from one of our past advertisements: "2,000 hours on your clients, 0.5 on you." This struck a chord with many associates who realize that their careers deserve the care and consideration that they offer to their clients day in and day out. When you are consumed by billable work, it can seem daunting to take some time to properly reflect on your personal and career goals, and yet it is precisely in these overwhelming circumstances that heuristics and their accompanying biases tend to manifest most acutely.

The most effective way you can overcome such predispositions is by simply budgeting in a bit of time throughout the year to carefully consider their values, motivations and long-term goals to ensure that your career path is the most optimal one.

David Namkung is a director with The Counsel Network in Vancouver, vice-president of the Federation of Asian Canadian Lawyers (B.C. Chapter), member at large of the CBA Young Lawyers (Lower Mainland), and a board member/volunteer of WorkingGear.ca. You can follow him on Twitter @DNamkung.

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