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John K. Carmack

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# Unmeasured Factors of Success

*John K. Carmack*

The year was 1956. I was in Seoul, Korea, serving in the Adjutant General Corps of the Eighth Army Headquarters. My closest friend at the time was David Gardner, then in dangerous army intelligence work along the coasts of China, but housed in Seoul. We were both struggling to decide what to do with our careers when we left the army. He was considering real estate as a career, and I, city management. But in the back of my mind law school was still a possibility, and I had applied to UCLA School of Law as insurance against a change of mind. We spent many nights in the library talking, thinking, browsing, and considering our options.

David chose the road into academics and university administration. You know him as the former president of both the University of Utah and the University of California. I chose law school. We still laugh when we recall David's reaction to my suggestion that he go back to graduate school. He rejoined with, "Carmack, I'm just not the academic type." I have never regretted my own decision, although it isn't the only road I could have taken.

For centuries lawyers have been maligned and their role in society misunderstood. For example, in the year 1790, the town of Watertown issued this annual report:

Our inhabitants now comprise some 525, of whom two are blacksmiths, one is a doctor, three are storekeepers, and one is an innkeeper. We have no lawyer amongst us, for which latter fact we take no credit to ourselves, but give thanks to almighty God.

I visit with you tonight from the perspective of one whose legal career has been satisfying, rewarding, and in most ways very ordinary. My career as a lawyer is probably over, although its benefits for me and my family continue.

Perhaps this helps me see law school in the context of life and to observe and report some unmeasured factors affecting success.

At this point in your lives, due to the extraordinary pressure and competitive environment of law school, many of you probably wonder if the profession or some other field of endeavor will be satisfying and rewarding.

If you are not in the top of your class, you may even wonder if you will have opportunities to prove your worth. It doesn't take a mathematical genius, however, to figure that 90 percent of us are not in the top 10 percent in class standing, and that will be true with 90 percent of those with whom we interview and compete. But in a profession where class standing is considered much too seriously, one's standing can be of concern and damaging to one's self-esteem.

Remember the fact that you are all achievers: qualified, bright, and energetic people. Most of us are just common folks, as President Gordon B. Hinckley once described himself. In time you will find that it is fine to be a simple, hardworking, garden-variety person, not accustomed to walking in the elite corridors of life.

Tonight I will share some convictions, concepts, and principles as a kind of road map to remember in the days and years after law school. During my years of law practice, I noticed that certain people rose to the top in their work. Class standing and LSAT scores were not good predictors of whom they would be. Their rise had more to do with habits, abilities, characteristics not readily apparent, and good choices along the way. Almost any graduate of a good law school has useful writing and analytical skills. These are important, but other factors matter even more. Raw intellectual talent counts for much and is a wonderful gift, but other things seem to make even more difference.

May I draw an analogy from success in basketball? I've noticed that John Stockton of the Utah Jazz, who started in the NBA the year I arrived in Salt Lake City, has risen steadily to the top. In those early days most observers thought he was lucky to have a chance to play in the NBA. Other players seemed to have more physical ability and raw talent, although Stockton was not deficient in those things. Somehow he has surpassed most of them. His place in basketball history is now certain. He holds the all-time record for assists and steals and is high in other important categories. Like Cal Ripken in baseball, he has been almost indestructible and steady, playing nearly every game since arriving on the NBA scene. He is a perennial all-star performer and has been selected for his second Olympic Dream Team. Years ago many observers thought Kevin Johnson would be Stockton's superior. He was and is a superb and talented player with extraordinary athletic gifts, but somehow Stockton has risen to the top year in and year out. Why?

Likewise, new players in the NBA like Jason Kidd are highly touted, but a wise observer will say, “Let’s wait and see. Will he maintain his intensity, fit in well with his team, play in such an unselfish way that he makes others better, improve year by year, avoid burnout and injuries, and maintain a steady personal life?”

Since I am using basketball as an example, consider the case of John Wooden, who may have been the finest college basketball coach of all time. From the beginning he was a good coach with a fine grasp of the game, but he gradually developed into a great coach. How did he do it? One way was the practice of his own aphorism: “It is what you learn after you know it all that counts.”

Great corporate lawyers, such as you have observed in President James E. Faust and President Howard W. Hunter, develop wise and wonderful perspectives and instincts applicable to everything they do. The French financier and international organizer Jean Monnet once noted that American corporate lawyers “seemed peculiarly able to understand at once the consequences of unprecedented situations and immediately to set about devising new and practical ways of dealing with them.”

Trial lawyers may not always be the greatest analysts or legal drafters, but they develop their unique skills and abilities through hard work and practical education during years of trial experience. They learn the fine art of preparing, presenting, persuading, dramatizing, and convincing. An excellent lawyer, John W. Davis, once observed:

True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures—unless as amateurs for our own principal amusement. There is little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men’s burdens and by our efforts we make possible the peaceful life of men in a peaceful state.<sup>1</sup>

You can’t measure all these skills and this knowledge in an LSAT test or discover them through examining law school grades, as important as those may be. Don’t you sometimes have a vague feeling that we may be excluding the best possible lawyers from the profession by our emphasis on classroom performance and aptitude tests? But since we don’t yet know how to measure the other less tangible aptitudes, we are left with our imperfect system. For those embarking on a legal career, these seemingly unmeasurable things, when added to our outwardly visible academic performance, can take us to the top like a John Stockton or a John Wooden.

What these intangibles are is important to know; social science is just beginning to discover and analyze these other factors. For example, Richard Herrnstein and Charles Murray, who wrote *The Bell Curve*, giving much credence to the concepts embodied in the notion of IQ, concluded:

Perhaps a freshman with an SAT math score of 500 had better not have his heart set on being a mathematician, but if instead he wants to run his own business, become a U.S. Senator or make a million dollars, he should not set aside his dreams. . . . The link between test scores and those achievements is dwarfed by the totality of other characteristics that he brings to life.<sup>2</sup>

In his groundbreaking book *Emotional Intelligence*, Daniel Goleman identifies some of those overlooked and hard-to-measure characteristics that bring success as “being able to motivate oneself and persist in the face of frustrations, to control impulse and delay gratification, to regulate one’s moods and keep distress from swamping the ability to think, to empathize, and to hope.”<sup>3</sup>

Years ago Stewart Grow, who as a political science professor and prelaw adviser guided many future lawyers such as Elder Dallin H. Oaks, called these intangible factors “mugginess.” I think he meant to convey the idea of hanging in there and having mental and emotional toughness. Coach Vince Lombardi of the Green Bay Packers often emphasized that “mental toughness is essential to success.”

### Live with Integrity

What are some ingredients important to your success? I will start with perhaps the most important one, difficult as it is to predict or measure. This ingredient is essential for success in almost all human endeavors, certainly for businessmen and lawyers, which most of you will be. In his excellent little book *The Effective Executive*, Peter Drucker put his finger on this intangible as follows:

By themselves character and integrity do not accomplish anything. But their absence faults everything else. Here, therefore, is the one area where weakness is a disqualification in itself rather than a limitation in performance capacity and strength.<sup>4</sup>

Integrity involves the concept of a whole and integrated person, all of his or her parts acting harmoniously, honestly, and completely. The decisions of such a person are honest and wise, their effect on the lives of others carefully considered.

Let me use an incident from David Gardner’s career as an example of integrity in action. It not only illustrates the point but has a happy ending.

When David had served as University of Utah president for about five years, the Board of Regents of the University of California conducted a search for a new president of that statewide university system. David, having previously served as a vice president of the university, was nominated by several influential people. Early in the process I visited with a regent with whom I served on a board of directors in southern California. I told him of

my friendship with David, who I recommended highly. My friend was on the search committee and took an interest in David's qualifications.

One night my friend called to ask me if I could locate David. It seemed that the committee had narrowed the candidates to three, and my friend said he had the votes to select David. With some distress, however, he reported that David had refused the position, and he then pleaded, "Would you please call him and get him to change his mind?"

I reached David late in the evening at his home in Salt Lake City and explained that my friend had the votes to appoint him president of the University of California. He answered, "Carmack, you know that I grew up in sight of the University of California in Berkeley. It would be the highest honor I could imagine as an educator to be president of the university, but I am in the middle of important matters here that will take a few years to complete. I am certain that the university would understand and let me go, but there would always be a feeling that I had left in the middle of vital matters. And that wouldn't be right. I can't do that and live with myself."

I better understood then why David had enjoyed such an excellent reputation in his field. I called my friend, who sadly accepted David's declination. The regents appointed another fine educator, who served about five years and then resigned. Perhaps remembering David's integrity, the regents nominated him again, and this time he accepted, serving with distinction.

In the field of law, where one is entrusted with people's lives and fortunes, integrity takes on heightened importance. The exigencies of the moment sometimes persuade some of our number to thrust aside their integrity to achieve some seemingly desirable goal. The great English lawyer and jurist Thomas More refused to take an oath supporting King Henry VIII because the king's cause was wrong and corrupt. In *A Man for All Seasons*, More's daughter Margaret and his wife visited him in prison where he awaited execution. Margaret asked him to "say the words of the oath and in your heart think otherwise." More explained, "When a man takes an oath, Meg, he's holding his own self in his own hands. Like water. (*He cups his hands.*) And if he opens his fingers *then*—he needn't hope to find himself again. Some men aren't capable of this, but I'd be loathe to think your father one of them."<sup>5</sup>

There are many such women and men. Most of my fellow lawyers had integrity, belying their reputation otherwise. David Kennedy, former head of international affairs for the Church, taught us a valuable lesson in his article "Personal Integrity" as he described his reaction to an offer tendered him by Continental Bank chair Walter Cummings. Kennedy's reply to the offer to become Continental Bank board chair was to explain that his priorities were home, Church, and work—in that order. He said he must speak to Lenora and the family before giving his answer.

It became quite clear that I should accept the position. I could and would continue my family and Church responsibilities [as counselor in the Chicago Stake presidency] as well as the work of the bank, in that order. And I would neglect none of them. But I felt an obligation to explain my priorities to Mr. Cummings.

Notice how David Kennedy clarified his priorities clearly and up front. Cummings not only agreed to the conditions but said that his own priorities (he was a devout Catholic) were the same.<sup>6</sup> Kennedy, who incidentally was a law school graduate, went on to become a national figure, taking Continental Bank to the forefront in international banking and becoming U.S. secretary of the treasury.

Integrity is the one essential characteristic without which all other characteristics fall.

### Manage Your Career Wisely

For want of a better label, I will call the second concept simply successfully managing your career. Robert Frost, we remember, wrote of two roads and taking the one less traveled by. He concluded his poem with the words “And that has made all the difference.”<sup>7</sup>

In deciding what road to take, we need to know something about ourselves and be honest in our personal evaluation. When you look in the mirror, what do you see? Do you see a whole person or a lawyer? I think we are all merely people with complex talents and abilities—the products of homes and churches and deeply held beliefs. We have studied many subjects in school, experienced a variety of challenges, and have strengths and weaknesses. A part of our education is a brief three-year stint in law school.

Where your career will take you and what contribution you will make in life has much more to do with things other than your law school training, although that is an important era of your lives. Your deepest interests, beliefs, and talents will assert themselves as time goes by. The decisions you make along the way will be critical. They will be the keys in successfully managing your career.

I have a friend who dropped out of law school for financial reasons. With his talent he would have made an excellent lawyer. Surely he could have found a way to complete his education, but he didn't. Having multiple talents, he went another direction. Although he was rising rapidly in that field, he then switched to a third field. Wisely he stayed with his new work for many years, rising to a high level of competence and developing a fine reputation. Seeing other opportunities on the horizon, however, he made another series of abrupt about-faces that eventually led to a dead end.

My friend is a fine person, and maybe it wasn't so important that he take the right road, but my honest feeling is that his decisions resulted in

achieving much less. Today he deeply regrets his failure to manage his career wisely and successfully.

How will you manage your career? You will leave BYU with an excellent general education. I doubt that we could have a better general education than law school affords. You will have tools and skills and potential opportunities in law practice, government, education, or business. Along the way you will face two roads, perhaps several times. The roads you take will make all the difference. Since you are unique, which of the roads is right for you will be something only you can discover.

One significant help is the advice of family and good friends. In deciding which road to travel, I always counseled with my best friend in prayer. But my own earthly father, a successful, self-educated small businessman who loved his work, gave me excellent guidance and helped steer me away from mistakes three or four times. I made it a point to seek and obtain his feelings when I faced two roads. In one sense, his advice was uneducated because of his limited schooling opportunities, but that advice always seemed visionary and practical. I find President Hinckley to be a similar type of person. One can trust his advice because he is such a wise and experienced man besides being a man of God. We need such people, and they are available.

We all need vision and perspective in making decisions. In a speech to the Harvard class of 1913, Oliver Wendell Holmes said:

I learned in the regiment and in the class the conclusion, at least, of what I think the best service that we can do for our country and for ourselves: *to see so far as one may*, and to feel the great forces that are behind every detail . . . to hammer out as compact and solid a piece of work as one can, to try to make it first rate, and to leave it unadvertised.<sup>8</sup>

In seeing where you fit into the future, you will also need to assess your strengths in making choices. Don't doubt yourselves, but also don't overestimate yourselves. You can know—if you are honest—if something is within your capability and competence level. Peter Drucker said, "There is no such thing as a 'good man.' Good for what? is the question."<sup>9</sup>

Be careful not to jump at a job simply because it promises to be lucrative. Assess the fit of the job with your strengths and your vision of the future. Avoid changing compulsively from one pathway to another. It takes many years to grow a tree. Keep focused on long-term objectives. Build stability into your career management and be conscious of who you are. Ask yourself if your best strengths are analytical thinking and writing? Or are you a more creative and expressive person? Are your best skills those of dealing with people? Perhaps you are a potential driving executive. Be realistic. I've advised more than one friend to stop pointing out his or her own weaknesses. We all have them, but so what? Our humility can be shown in other healthy ways.



What you truly are will come out in time. The more you know yourself and manage your career wisely, the more excitement and joy you will feel in what you do. Some of the unmeasured strengths that bring success to a lawyer include

- personal and family stability
- ability to work steadily and hard
- skills in understanding and getting along with people
- ability to size up situations
- being street-smart, i.e., learning from experience and having common sense
- ability to think procedurally about tasks
- ability to communicate on the level of common people

### Grow with Your Work

Having first emphasized integrity as the one essential ingredient of a successful career, followed by the advice just concluded to manage your career wisely, I turn to my third and last suggestion. This is simply to grow as your career unfolds. Actually, I would give the same advice to everyone, even those who, like my daughters, may not have full-time careers. My oldest daughter is a full-time mother of five who graduated from this law school. She is an excellent mother who tries to grow with the times in that role as well as keep up as much as possible in the things she studied while attending the university.

If we fail to grow by developing new knowledge and skills and keeping up, we are destined to become professionally irrelevant. Growing with your work is critical. If you do, you will find in time that you have surpassed most of your colleagues. Though you start with an excellent education, most of what you will need to know and the skills you will need you have yet to learn. Master the details and skills required by your chosen work. Beyond such mastery you will discover the rarefied level of the unwritten laws of your field, or, as Coach Wooden said, “What you learn when you know it all.”

In the process you have to avoid burnout, discouragement, and the temptation to quit and drop out. Common sense, balance, and the right priorities between home, church, and work will help you avoid these failures, as David Kennedy’s example teaches us. And you need to serve your church and your community in the process. I’ve kept handy this 1944 statement by George Wharton Pepper. From the vantage point of a brilliant legal career, he said:

I estimate that through the year about half of the whole amount of my activity has been gratuitous nonlegal service to the church, to the university, to the profession, to the community, and to individuals; and that of the other half, which represents my legal work, about a quarter has been done without charge.<sup>10</sup>

Lawyers do much work without fee, and rightly so. Once I asked President John K. Edmunds, who presided over the Chicago Stake while practicing law, how he handled Church members who had no idea of the value or cost of his legal services. He told me of doing hours of legal work for a sister who had no idea of its value. Though he decided to do it freely, she insisted on paying the fair value of his services. He agreed to accept what she felt was fair. When she reached in her purse and handed him a 50-cent piece, he gravely reached in his pocket and handed her a quarter in change.

The profession has an immense capacity to absorb problems. I would estimate that during 20 years of law practice I spent my time similarly to Pepper's. Great achievements require diligence, taking risks intelligently, and sometimes working around the clock. The standards and competition are high in our work. Yet people grow by courageously taking responsibility and discharging it. We should not shy away from our challenges.

I discovered that there is help from above. I have settled or solved more than one lawsuit or problem based on dreams, intuition, and the whisperings of the still small voice.

I now have a second career: my calling in Church leadership. The Church calling probably fits my own interests and background well at this stage in my life. You may want to establish a goal of serving your church and community after a certain age.

Another good friend, Judge Clifford Wallace, left a fine career as a trial lawyer to become a federal judge. There his skills, honed in years of Church leadership, have brought him to the top of his second profession as a judicial administrator, presiding judge, and twice a United States Supreme Court finalist. I feel his success has been due more to his leadership ability than his pure legal talent—in which he was not in the least deficient. He has grown, developed, and worked exceptionally hard. His emotional IQ has been a great asset.

Yes, I have found much of value in our profession. John J. McCloy, prominent in many international legal and leadership capacities, captured my feelings well when he said:

[The lawyer] has learned to gauge human emotions and to make due allowance for them, for in his practice he has seen them flare and subside; his training has taught him the practical necessity at least of assessing the other side's point of view if not of conceding its merit; it has similarly given him the ability to judge what are the important and the less significant facts of a situation. I think that practice in explaining matters clearly and concisely and in drafting documents which are to be read and understood by others, sometimes others at a far removed point of time as in the case of a will or deed, also has an important use in these situations. . . . The lawyer who has faced the give and take of the courtroom, who has debated before the appellate court with lawyers of equal skill and resourcefulness, or who has run the

gamut of conferences with counsel for opposing sides has usually had a rich background with which to face [the negative comments] of public life.<sup>11</sup>

Remember my third point: grow with your work. When President Franklin D. Roosevelt visited the 91-year-old Justice Oliver Wendell Holmes, he found him reading Plato's *Republic* in his study. When he asked why on earth he was doing that, Holmes replied, "I'm reading to improve my mind."

Having made my three points—anchor your career with integrity, manage it wisely, and grow with it—I add a few feelings about how my law training relates to my service as a General Authority. In this calling I try to think of myself as a General Authority who once was a lawyer rather than a lawyer who is a General Authority. The experience of having practiced in a small law firm in western Los Angeles has enriched my Church service. But I don't think of myself as a Church lawyer any more than Elder Russell Nelson thinks of himself as a Church doctor.

My wife and I spent four years in Asia meeting with government officials in 23 countries including India, Pakistan, Vietnam, Cambodia, China, and Mongolia. The legal skills of drafting documents, negotiating agreements, handling legal and political procedures, and general advocacy were useful there.

During similar U.S. assignments, I have given testimony before the California legislature, the Los Angeles County Board of Supervisors, and the United States Congress. I have worked in anti-pornography legislative matters and served on executive committees of the Religious Alliance Against Pornography and the National Coalition Against Pornography.

I have served on the Salt Lake Chamber of Commerce Board of Governors and the Redevelopment Agency Advisory Board and have worked on issues such as school prayer in Utah. I have submitted to interviews with newspaper and television reporters.

To say that those three years of law training have benefited me in this calling is an understatement. I would add, however, that the two years I served as a young missionary have benefited me even more, and the years as a Church leader were critical in preparing me. I believe my three years as a mission president were equivalent in practical education to my three years in law school. A combination of all life experiences contributes to what we bring to our work.

During your journey I hope you will find balance that will keep you healthy physically, mentally, and spiritually. If you are wise, you will place your family and core beliefs in the center. Your career requires a large segment of your time, but many have grown and achieved professionally without

upsetting the needed balance. There is time for all these things if you use time properly.

*This fireside address was given at the BYU Law School on March 10, 1996. Reprinted from the Clark Memorandum, Spring 1997, 32–38.*

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## Notes

1. John W. Davis, Address, New York, 16 March 1946, in 1 *Record of the Association of the Bar of the City of New York* 101, 102 (1946), as quoted in Fred R. Shapiro, *The Oxford Dictionary of American Legal Quotations* (New York: Oxford University Press, 1993), 273.

2. Richard J. Herrnstein and Charles A. Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994), 66.

3. Daniel Goleman, *Emotional Intelligence* (New York: Bantam Books, 1995), 34.

4. Peter Ferdinand Drucker, *The Effective Executive* (New York: Harper & Row, 1967), 89.

5. Robert Bolt, *A Man for All Seasons* (New York: Random House, 1962), 81 (emphasis in original).

6. David M. Kennedy, "Personal Integrity," *Ensign*, December 1979, 17–18.

7. Robert Frost, *The Road Not Taken* (New York: Holt, Rinehart and Winston, 1971), 13.

8. Oliver Wendell Holmes, Jr., "The Class of '61: At the Fiftieth Anniversary of Graduation, June 28, 1911," in *The Collected Works of Justice Holmes*, ed. Sheldon M. Novick (Chicago: University of Chicago Press, 1995), 3:504 (emphasis added).

9. Drucker, 74.

10. George Wharton Pepper, *Philadelphia Lawyer: An Autobiography* (Philadelphia: J. B. Lippincott Company, 1944), 384.

11. John J. McCloy, "The Extracurricular Lawyer," 15 *Washington & Lee Law Review* 171, 182–183 (1958); see also John J. McCloy, "Reflections on the Lawyer as a Public Servant," *Washington University Law Quarterly* 307–314 (1977).