GigLawyer and/or BigLawyer? A grounded theory study of lawyer career craft

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This qualitative study explores the emergence of new gig working routes in the legal industry. Drawing on the nascent concept of 'career crafting', I crafted a constructivist grounded theory of 'Craft My Own Way' from the experiences of 15 lawyers. Participants' experiences reflect agentic and emergent perspectives as part of inter-connected transition processes. A main finding of this study is that, whilst seeking change, participants experienced a paradoxically conflicting and synergistic relationship with their pasts. The findings offer a discussion framework for career professionals to help clients reconcile tensions by considering 'craft' as a theoretical lens to frame career transitions.

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Introduction

In the legal industry, a contemporary vocational trend is the emergence of new independent working routes. This contrasts sharply with the dominant route for lawyers in large professional partnerships (Aulakh and Kilpatrick, 2016), known as 'BigLaw' (Chin, 2016). A lawyer working in BigLaw (referred to as a 'BigLawyer') is assumed to embark on an institutionalised, normative, linear career model (Leiper, 1997), featuring 'movement up a pay scale, promotion, increasing authority and apparent security' (Gold and Fraser, 2002) and 'up-or-out' tournament promotion practices (Malhotra et al., 2010). Although BigLawyers represent a large proportion of the legal profession (SRA, 2020), it is estimated the number of lawyers working independently is increasing (Hazlewoods, 2018). Notwithstanding, leading law graduate careers resources still describe 'career prospects' within the legal sector in predominantly normative, hierarchical, organisational and linear terms (Prospects, 2021).

As a lawyer and career coach, I have met lawyers working independently. However, I was always struck by how many appeared isolated and little empirically-based practical guidance was available. Contemporary careers research and theory has assumed a 'new career era' (De Vos et al., 2019; Ashford et al., 2018), in which individuals may experience multiple work transitions across a life span (Baruch, 2004). Concepts such as boundaryless and protean careers (Arthur and Rousseau, 1996; Gubler et al., 2014) feature the expectation of mobility, uncertainty (Bright & Pryor, 2011) and the necessity for individual agency (Ibarra and Obodaru, 2016). Although careers literature has studied precarious independent work (e.g. Petriglieri et al. 2019; Broughton et al. 2018), less is known about professionals working independently.

Extant career transition (CT) literature lends some insight (Cohen and Mallon, 1999), but critical gaps exist to understand how the more nuanced process of transition unfolds at the individual level (Sullivan & Al Arris, 2019; 2021). I was curious to undertake original empirical research to investigate this emerging vocational phenomenon. Also, as COVID-19 disrupted many traditional working lives, I saw this as an opportunity to explore different career experiences, which could inform contemporary career coaching practice in a potentially fundamentally altered career landscape.

Constructed definitions

Building on recent literature (e.g. Petriglieri et al., 2018), I refer to independent working as 'gig' working. Within the context of my research, to differentiate with 'BigLaw' and 'BigLawyer', I construct the terms 'GigLaw' and 'GigLawyer' to refer to lawyers who practice law independently.

Literature review

Unlike other research paradigms that position the literature review prior to data analysis (Dunne, 2011), my choice of constructivist grounded theory (CGT) (Charmaz, 2006) (discussed below) meant that my literature review was more iterative (El Hussein et al., 2017). In CGT, the researcher should be familiar with the literature prior to data collection to start formulating a set of 'sensitising concepts' (Gordon-Finlayson, 2019) and in uncovering gaps in extant knowledge (Charmaz, 2006) while remaining critically 'theoretically agnostic' (Henwood and Pidgeon, 2003). To balance the needs of approaching data with an open mind, without a priori concepts or aims to test theories, but not an empty head (Dey, 1999), I conducted a multiple-stage, iterative, nonlinear literature review (El Hussein et al., 2017).

For the initial stage, my guiding empirical interests (Charmaz, 2006) were CTs, gig-working and the legal sector. I conducted the subsequent stages of relevant literature review after the commencement of data collection, analysis and the construction of categories and codes to keep theory development grounded in the data. Based perhaps on my own career experiences, I perceived subsequent relevant theoretical concepts as craft and fit.

Career transitions

A transition can be conceptualised as the internal psychological process individuals experience in adapting to an external anticipated or unanticipated change that could be an event or non-event (Schlossberg, 1981). In response to transitions, individuals change their assumptions and perceptions of themselves and the world, as well as their behaviour (Goodman et al., 2011). Research suggests that while fundamental change may occur in one part of life, other aspects may be preserved (Wise & Millward, 2005).

CT models include Louis' (1980) sense-making and typology, life stage (Super, 1980; Barclay et al., 2011), managerial job change (Nicholson, 1984), decision-making (Rhodes & Doering, 1983), self-regulatory perspective (Wanberg & Kammeyer-Mueller, 2008) and identity change (Ibarra, 2004). These are predicated on a psychological and possibly physical movement between roles, referring to a position in a social structure (Ashforth, 2000).

Research suggests individuals experience being liminal (Ibarra, 2005) during CTs before gaining clarity about a new role (Ashforth, 2000; Ebaugh, 1988). A trend in the literature is the emergence of nonlinear theories and research reflecting the complexity and unpredictability of events and individuals' behaviours and attitudes towards CTs (chaos theory of careers (Pryor and Bright, 2011); the systems theory framework (McMahon & Patton, 2018)). However, most empirical studies are quantitative, studying transitions by measuring turnover (De Vos et al., 2021) and unable to capture the more nuanced experience of a socially constructed process of transition.

Career transitions and gig-working

Studies have cast light on the contradictory experiences (Kunda et al., 2002) of even highly-skilled, seemingly self-directed (Marler et al., 2002) gig-workers, such as job insecurity (McAlpine, 2010), uncertainty (Trevor-Roberts et al., 2019) and social isolation (Clinton et al., 2006).

Cohen and Mallon's (1999) leading study on the transition of NHS managers to self-employment focussed on participants' expectations of their new employment context and its realities, with reference to the changing nature of careers and the concept of boundaryless careers (Arthur & Rousseau, 1996). One major finding that resonated strongly with me, was the experience of participants being less about breaking free from organisational boundaries and more about reconstructing the boundaries. The majority of participants were still attached to their organisational careers, feeling the pull of both change and continuity. This perhaps echoes psychotherapeutic concepts of individuals experiencing unfinished business with unresolved pasts (Greenberg & Malcolm, 2002). Another related study of self-employed women explored the nuances around the push/pull factors influencing participants decisions to leave organisation life including the (im)balance between personal and professional life (Duberley et al., 2006). Using Barley's (1989) model of career structuration, they found

that individuals draw on existing scripts embedded in institutional forms but also developed new scripts such as portfolio working.

Gold and Fraser's (2002) study of portfolio translators found choices can only be made when people have resources to support them, and portfolio careers may be limited to those with perseverance and marketable skills to sustain the transition.

Career transitions and gig-working in the legal sector

Research has identified perceived barriers and structural inequalities in UK law firms, especially for women and ethnic minorities (Tomlinson et al., 2013; Sommerland, 2016). Whilst mobility within the legal profession has been researched (Tomlinson et al., 2019; Garth & Sterling, 2018), little research has explored lawyers working outside professional partnerships (Rab, 2019). A possible explanation for the lack of empirical research could be the relatively recent emergence of this trend and researchers have focused more on those who perceive themselves as disenfranchised (Sommerland, 2016) or as sideliners (Carroll & Vaughan, 2019). However, research has shown that even in elite professional careers, individuals can experience difficulties in adapting to new roles (Gustafsson & Swart, 2020).

Career transitions and craft

The concept of craft has been used in various ways by career academics. Inkson's (2004) use of craft, drawing on career construction theory (Savickas, 2002), is a metaphor to emphasise the role of the individual in constructing their own career, balancing behavioural and psychological considerations of functionality and creativity.

Akkermans and Tims (2017) argue for individuals to achieve dynamic person–career fit over time and within their relevant contexts through the process of career crafting to ensure long-term sustainability of their career development. They build on job crafting (Wrzesniewski & Dutton, 2001; Tims & Bakker, 2010) literature which focuses on the proactive behaviours an individual can undertake to change elements of their specific job and extend this concept to apply to career. Separate research independently formulates a model of career crafting that explores the linkages between contextual factors and past, present and future career pathways (Vidwans, 2016; Vidwans & Du Plessis, 2020), consisting of an interconnected triad of relational, task and cognitive crafting.

Career transitions and fit

The concept of fit is elusive (Judge & Ferris, 1992) and has been studied extensively and usually from a quantitative managerialist perspective to assess organisational outcomes (Kristof, 1996). A lack of fit is conceptualised as misfit and rare qualitative research suggests that a perception of misfit can be a painful experience, stemming from growing discomfort or sudden changes, and can sometimes be signalled from others (Follmer et al., 2018).

Without linking specifically to concepts of fit, Inkson (2004) suggests that to craft a career enables individuals to solve life-problems in a practical way, and to implement their personal sense of self. Both adjustment (Schlossberg, 1981) and identity (Ibarra, 2005) perspectives of CT discuss a concept of disengagement or disequilibrium as antecedents of CT though not linked explicitly to fit literature. CT research on mid-careerists using the lens of chaos theory (Bright & Pryor, 2011), found that their CTs were often precipitated by a trigger event such as disillusionment as part of a finding a fit process (Peake and McDowall, 2012). Key to their findings was happenstance and chance rather than a systematic planned process were integral to find a fit.

Research methodology

I was drawn to CGT as a transparent process to actively engage in researcher-reflexivity (Charmaz, 2017), especially how my own experiences and assumptions as a lawyer and career coach interact with participants and our co-constructed data. I have worked in BigLaw and have worked independently making me an insider-outsider (Dwyer and Buckle, 2009). Reflexivity is a defining feature of constructivist research (Charmaz, 2017) requiring me to continually engage reflexively in my research.

CGT differs from earlier iterations of grounded theory (Corbin & Strauss, 1990; Glaser & Strauss, 1967) by proposing that neither data nor theory is discovered;

it is co-constructed by researchers and participants (Charmaz, 2006). CGT is appropriate when literature may have models, but these were developed on populations other than those of interest to the researcher, and no theory is available to illuminate that process (Creswell & Poth, 2016).

Figure 1: Research Process
(Source: Researcher's own and adapted from Charmaz (1990)
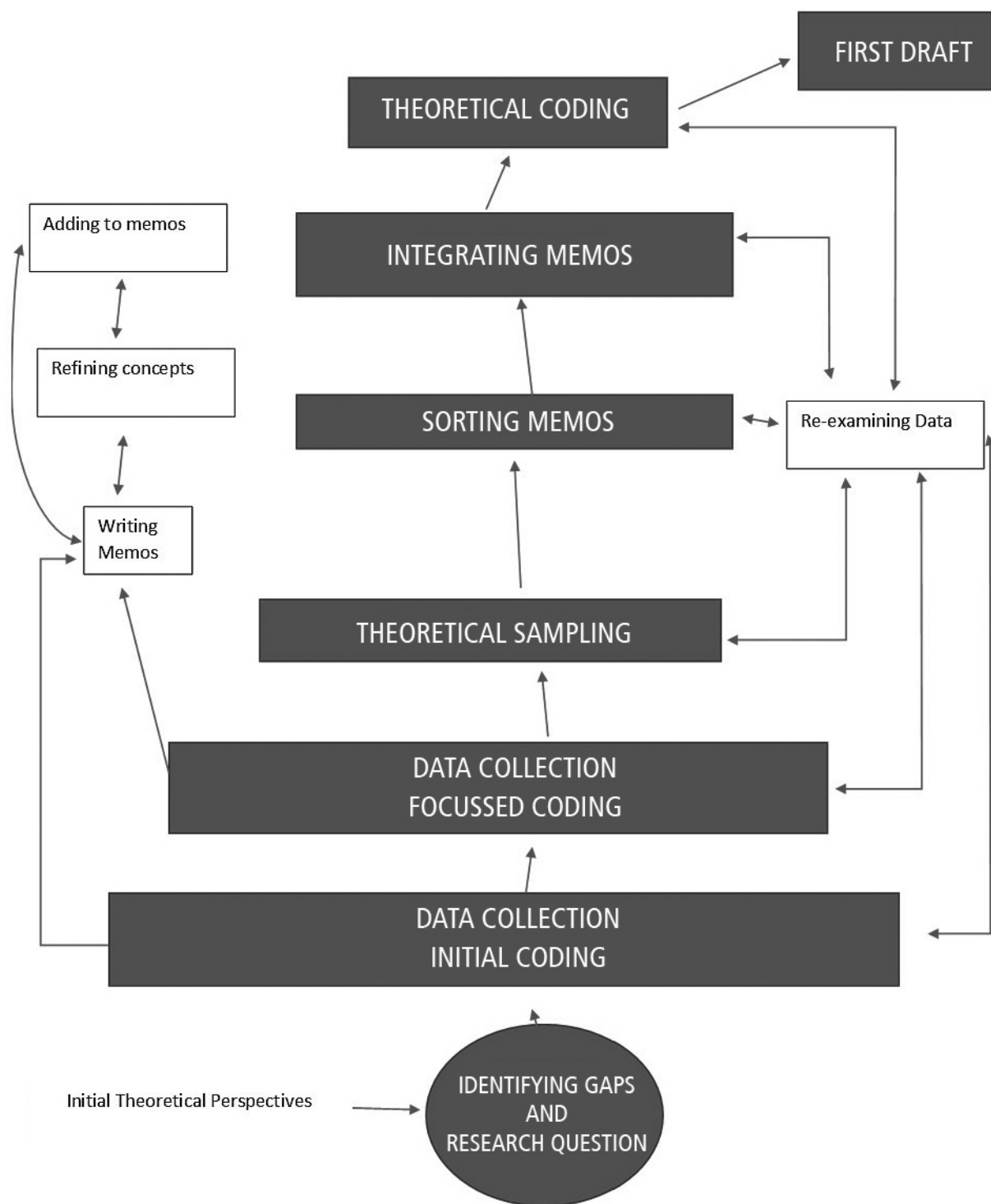
Employing CGT's constant comparison, I analysed the data with reference to relevant literature concurrently with data collection. CGT involves a cyclical, abductive (Bryant and Charmaz, 2007) process of data collection, analysis, theoretical coding, constant comparison, memo-writing and theoretical sampling (Gordon-Finlayson, 2019), emphasising thick description (Ponterotto, 2006) to provide for rich data.

Participants

I started gathering data by purposefully recruiting participants, through my own professional networks, who experienced the research phenomenon (Goulding, 2002) aligned with CGT (Birks & Mills, 2011). I ended up with 15 participants, 9 women and 6 men, most in their 40s.

Findings and grounded theory constructed from data

My analysis of data, grounded in the events, processes and accounts of the participants, constructed a grounded theory illustrated by Figure 2. I constructed 'Craft My Own Way' from the data as the core category or theoretical fit (ironic, given another key category was fit); one that I perceived reflected the complexity of participants' journeys.

I chose the word 'Craft' to link to participants' in vivo codes such as shaping and carving and to extant literature. Linking the concept of gig-working with the concept of shaping a role around a person, one participant shared:

> 'The nature of self-employment is that it is so individual…you shape the role or your work… around the person, rather than the other way around, where this is the job description, do you fit into that.'

This formed the seeds of the concept of craft, which became the backbone of theory-building, and shaped the research focusing on the process of craft- how did participants do that? From the accounts of participants, craft in this context was less about reaching a static destination, but more a process of shifting mindset to a constantly evolving way of working.

Through the CGT constant comparison method, 'Craft' was constructed as a psychosocial process through which participants de-constructed and re-constructed their 'BigLawyer' and 'GigLawyer' Worlds. This involved the connected processes of: (a) feeling lack of fit and being stuck on a traditional path; (b) breaking free from a traditional mindset; and (c) engaging in inter-related planned and emergent behavioural and cognitive crafting processes and adjusting to their own way of working, whilst connected to their BigLawyer World. Though many participants remained uncertain about the future, most constructed gig-working to be prepared for the unknown and craft their own role in society. As another participant reflected:

> 'I've learned…that it's okay to not do what you're socially conditioned to believe that you're supposed to be doing. So you're supposed to be on the step ladder continuously for the rest of your life to retire. I think that it's okay…to do things in your own framework and not be a sheep and follow what other people believe you should be doing. And create your own path'.

Discussion

Research has found feeling locked-in a non-preferred workplace inhibiting individuals moving roles, though this has been associated with perceptions of low employability (Stengard et al., 2016). Contrastingly, the high status and being on an institutionalised 'traditional' route from school to law firm, exacerbated by high organisational career-management (Dries & Pepermans, 2008) and specialisation rigidity, enacted the cost of golden handcuffs (Falcao, 2015) for participants to feel stuck in the law firm environment. Despite participants having what can be conceptualised as elite status in the legal industry (Dinovitzer, 2011), they experienced being stuck on a traditional path.

Juxtaposed against this feeling of being stuck, the findings suggest participants' change processes are triggered by feeling a lack of fit in the law firm environment. My findings echo Peake and McDowall's (2012) study in finding fit is experienced as a key construct by individuals in their CTs. Individuals may perceive misfit over a gradual period of time, feeling

Articles
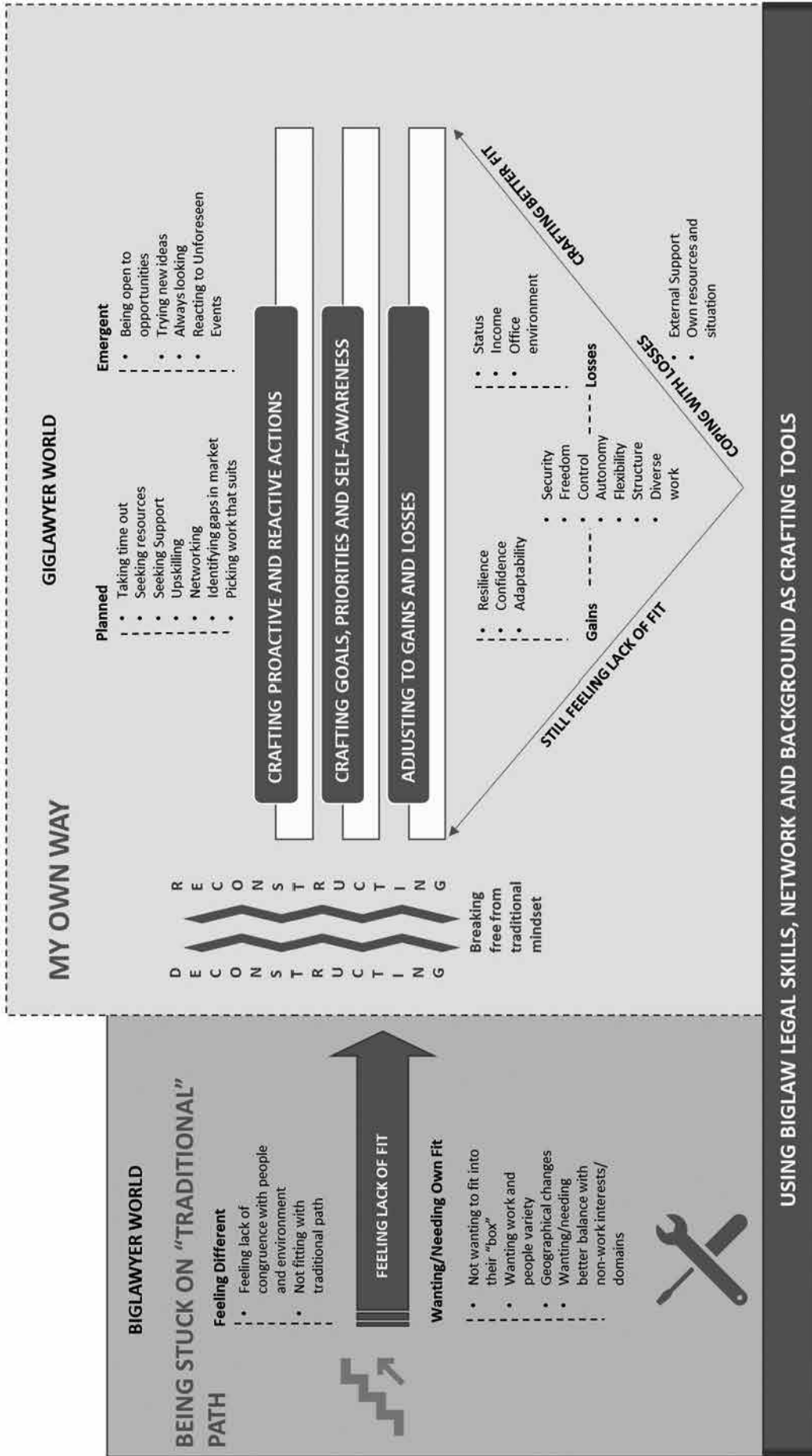
Figure 2: Grounded theory constructed from data

different compared to others in their current working environments and when their needs and wants in life appear different to what they believe can be offered by their employer.

Gig-working studies have explored push/pull factors associated with decisions to undertake gig-work (Mallon, 1998). Cohen and Mallon's (1999) study found one of the triggers for individuals to seek self-employment was a perception that the organisation was no longer a good match. This resonates with the findings of this study about participants wanting to align their work with their non-work interests. All participants described an experience of reaching some type of turning point (Ebaugh, 1988) following which they exhibited an external expression to leave BigLaw. Unlike the concept of disengagement (Ashforth, 2000), my findings suggest that the experience meant to participants 'breaking free' from constraining workplace structures (Fenwick, 1998) as well as a traditional socially-constructed attitude to work.

Participants' mixed emotional experiences of being physically or psychologically outside of a law firm environment resonated with conceptualisations of under-institutionalised liminality (Ibarra and Obodaru, 2016), being ambivalent about their situation and simultaneously anxious and excited, disoriented and liberated, frightened and elated. Contrasting with most CT models (e.g. Schlossberg, 1981) characterised by a finite period of liminality, Ibarra and Obodaru (2016) found that endings are more ambiguous, resonating with the constructions of my participants.

Whilst much literature has explored boundaryless and protean career attitudes (Kundi et al., 2021), there appears little in the literature exploring the process of individuals changing attitudes. My findings seem to suggest that participants constructed a shift in their attitudes or mindsets. They appeared to engage in a process of de-constructing their traditional mindset and re-constructing attitudes towards a different way of working and the legitimacy (Stokes, 2021) of their own roles in a broader social context. This is an integral process in constructivist career counselling approaches (Brott, 2001), and using this theoretical lens to interpret these findings may represent my bias as a coach.

The processes enacted by the participants in the wider CT process appear similar to aspects of career crafting processes conceptualised by both Vidwans (2016) and Akkermans and Tims (2017). However, contrasting with purely agentic theoretical perspectives, participants' accounts do not suggest that agency alone is at play. The role of emergence, serendipity and chance, such as reflected in chaos theory of careers (Bright & Pryor, 2011) and systems frameworks (McMahon & Patton, 2018), appear to have influenced participants' experiences in their GigLawyer worlds.

Participants constructed responses to changes in terms of gains and losses requiring coping and adjustment, resonating with qualitative conceptualisations of career adaptability in facilitating CTs (McMahon et al., 2012; Ebberwein et al., 2004). Most of their constructed gains and losses were more nuanced and contradictory, echoing extant gig literature (eg. Cohen & Mallon 1999; Barley & Kunda, 2006; Fenwick, 2006). Gold and Fraser (2002) raised the critical insight that gig-working was only available to those who had the resources to support them, reflecting Schlossberg's (1981) position that an individual's ability to cope with a transition is context-dependent. This extends extant research that even in the case of gig-workers associated with an established profession, coping mechanisms are useful (Petriglieri et al., 2019).

The adjusting process was constructed as a recursive cycle in connection with the other craft processes to craft better fit with changing circumstances, resonating with Nicholson's (1990) CT cycle of learning and extant findings that gig-work is episodic (Koch et al., 2019; Mallon, 1999) and may serve different purposes at different times (Burton et al., 2016; Marshall, 2016).

A notable paradox constructed in this change process is the tension between continuity and change. Participants may have left BigLaw, but BigLaw may not have left them. Echoing Duberley et al.'s (2006) study of CT to gig-working, this study found that transition represented more than a clean break, but also a shading from one context to the other with ongoing links. In the process of crafting a different way of working, participants drew heavily on their BigLawyer narratives and routines (Petriglieri et al., 2019), which remained an integral part of their GigLawyer present

and possible futures, resonating with constructivist assumptions of career as a sense-making narrative (Wise & Millward, 2005).

However, many participants in my study constructed this sense of continuity as a tension between holding on and letting go (Osherton, 1980). They experienced BigLawyer narratives as sometimes empowering, sometimes disempowering, symbolising power dynamics in socially constructed professional roles. Participants are insiders in the sense they may use BigLaw narratives as crafting tools but are outsiders no longer part of the system that creates those tools.

The challenge of CT for these participants appeared less about dualisms of continuity or change but more about continuity in change (Duberley et al., 2014; Duberley et al., 2006). I agree with Pringle and Mallon (2003) who questioned the merit of pitting traditional against boundaryless/ protean career attitudes. It may be that too rigid constructions of BigLawyer and GigLawyer are false dichotomies that fail to recognise the porous boundaries between these worlds, as participants weaved coherent sense of their careers.

Conclusions and implications for practice

CTs are central to understanding how individuals' construct their career experiences (Bimrose et al., 2013). In most transition theories, ending is one of equilibrium (Ng et al., 2007) or relative stability (Schlossberg, 1981). In contrast, the construction of 'My Own Way' is generated from engaging in crafting processes through which participants craft their own role in society, albeit within a constantly evolving paradox of dynamic equilibrium (Smith and Lewis, 2011). This study also extends gig-working literature and craft as a useful metaphor to explore CT processes as an ongoing process of constructing coherence involving constantly looking inside oneself, outside oneself and ahead in time. The findings illuminate how feelings of misfit can precipitate role changes which may be less explicit in existing CT models.

COVID-19 may have shifted the world of work significantly, particularly for many knowledge professionals. As workers seek more flexibility and shift away from more traditional hierarchical structures and explore gig working routes, there will be a process of transition and adjustment. Whilst this study has been deliberately focussed on a narrow segment of knowledge workers and the findings are not intended to be generalisable, this grounded theory could offer a career coaching discussion framework. By considering craft to frame CTs for those professionals seeking an alternative to traditional linear careers, career professionals could seek to understand better the possible tensions individuals experience as they construct their career narratives. Despite tensions, the past remains integral for those who are in the process of a CT to career craft their own role in society. The model could help address possible challenges clients face of creating false dichotomies in the context of CTs that fail to recognise the salience of continuity in the change process. In a constantly evolving world of work, it is easy to feel powerless and a victim of circumstances. In this regard, career craft could be a life skill that harnesses agency and emergence, continually honed over time to help create better fit between one's changing needs and one's dynamic environment.

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