

Managing

MARCIA PENNINGTON SHANNON

Making Associate Evaluations Worthwhile

Many firms take a casual approach to their evaluation and compensation discussions with associates. Does your approach go something like this? One of your associates comes into your office and says, "I've been here for about a year, and I'm wondering how I've been doing. Also, I'd like you to consider giving me a raise." After pondering for a couple of moments, you reply, "You're doing fine. How much more money are you looking for?" Is this approach beneficial to the firm? Is it beneficial to the associate? Well, you might say, it works. But it is doubtful that it really does.

It may be time to reevaluate your evaluation system. There is so much more to gain if you use the evaluation process in a strategic, organized way.

Where to Begin: Defining the System's Purpose

Whether your firm is creating its first formal evaluation system or is fine-tuning an existing one, it is important to begin the process by asking, "What are the goals of our system? Why do we think it's important to have evaluations for our associates?"

Are evaluations merely opportunities to tell associates how they have performed to date? Do you use your system to decide on compensation, salary and bonuses? Or do you tie the evaluation process directly to the individual's professional development? The most effective



system—both for the firm and the lawyers being evaluated—enhances the development of associates.

When you approach evaluations with this goal in mind, you can create a system that does more than give proper feedback on the associate's performance. Your system will also function as a strategic plan for the individual's continued development.

Choosing Measurements of Success

Once you have agreed on the goals of your evaluation system, the next step is to choose the factors by which you will evaluate associates. These factors are the "measurements of success" in your firm. Typical measurements could

include the following:

- Specific skills associates should have mastered
- Substantive knowledge they should have gained
- Personal qualities they should have developed or honed

These success factors will differ from firm to firm, and also from practice group to practice group within the firm. What it takes to be successful as a litigator is not the same as for a corporate associate. Criteria will also differ by levels of experience. You cannot expect a first-year associate to perform at the same level as a fifth-year one.

Current literature calls these criteria "core competencies." How might they be defined within your firm or

practice group? Consider the following examples of core competencies for litigation associates, listed in *Beyond the Nuts and Bolts of Associate Evaluation*, published by the National Association for Law Placement's Attorney Development and Evaluation Committee.

First-Year Abilities:

- Listen and understand assignments
- Attend client interviews
- Draft simple pleadings and motions
- Draft discovery and responses

Fourth-Year Abilities:

- Second-chair significant trials
- Participate significantly in settlement and contract negotiations
- Negotiate with opposing counsel
- Start to supervise junior lawyers

Putting in the Nuts and Bolts

Having chosen the core competencies you will use in the evaluation process, you must then formulate a way to measure those criteria. Many firms use either a numerical scale or a scale that uses words reflecting a continuum, such as "Poor" to "Excellent." However, the most effective evaluations ask for, at a minimum, a short narrative comment under each competency. The comments reflect the evaluator's experience with, and measurement of, the associate's skill or quality in that specific area. These comments are much more informative than a numerical or qualitative scale. They are, therefore, more beneficial both to the supervisor delivering the evaluation messages and the associate receiving them.

You should also consider including additional items in evaluations, such as self-appraisals by your associates. Self-appraisals typically describe the major projects the associate has performed and with whom the associate has worked. Importantly, they also include

the individual's own assessment of his or her strengths and developmental needs. These self-appraisals actively involve associates in the evaluation process, and they also indicate to you how each one personally views his or her progress within your firm.

After you have collected information about the particular associate, you need to address additional elements of the process, all the while keeping in mind the larger goals you have set for your system:

- Who will analyze the information and write the evaluation?
- How will the information be delivered and who will deliver it?
- What will the message reflect—the associate's strengths as well as areas that need further development?
- Will you incorporate a strategic plan regarding ways in which this lawyer will develop over the next evaluation period?
- Will you include specific resources, such as training programs, that will help the associate meet these goals?
- Will you actively involve the associate in the evaluation discussion so that he or she takes personal responsibility for his or her development?

Moving from Ineffective to Invaluable

While a comment such as "you're doing fine" is nice to hear, it gives little information that is beneficial to the firm or the associate. The far better course is to take a more strategic, developmental approach to the evaluation process. If you are already using an organized system, check to make sure it is working for all involved. Using the evaluation process to help your associates further develop will benefit you by making associates more effective, efficient and engaged members of your firm. ■

Action Plan

Create an effective evaluation system by implementing a formal process that addresses the following issues.

- Decide on and state the goals of your system. Why evaluate associates? What do you want them—and your firm—to gain from the process?
- Decide how often you will perform evaluations. Annually? Twice a year? More frequently?
- Choose specific criteria or core competencies for each practice group in the firm. What does it take to succeed in that specific practice at each level of experience?
- How will you collect information regarding each criterion for your associates? Will you distribute a written form to each lawyer who has worked with a particular associate? Who will collect and analyze the information?
- What message do you want to deliver to a specific associate? What do you hope for in terms of outcomes? Who will deliver the message?
- Once the evaluation system is in place, assess it on a regular basis. How is the system working for both the lawyers who do the evaluations and the associates they evaluate? How can the system be improved?



Marcia Pennington Shannon (www.shannonandmanch.com) is a principal in the Washington, DC, attorney management consulting firm Shannon & Manch, LLP. She is co-author of *Recruiting Lawyers: How to Hire the Best Talent* (ABA, 2000).