

Training Attorneys to Conduct Effective Evaluations

By Susan G. Manch

Although management skills training courses have finally become popular among the nation's largest law firms, training for those charged with the responsibility for performance appraisal is still new to many professional development planners. Just as supervisors can enhance their managerial skills with training, so can evaluators become more effective and efficient when they are given training designed to target the core skills used in conducting performance reviews. The most recent economic downturn has spurred new interest in evaluation skills training. As firms find themselves in the position of needing to shed excess staff turn to their evaluation systems to access critical performance-based information necessary for these decisions, some are disappointed with the quality of information generated by the process. When firms need to use their appraisal systems to aggressively identify poor performance at the earliest stages in an associate's career, targeted training for evaluators becomes more important than ever. A process characterized by vague comments, forms left mostly blank, rampant grade inflation, anonymous comments, and associate reports of evaluation interviews that communicate little developmental information—though typical concerns—will not ultimately support the firm's attorney management objectives. The review process can be a very important tool in the attorney development process. A lack of training for those who assess performance can create a critical gap in their performance management skill set.

Having dual goals of making the attorney review process more effective and efficient, firms can design training vehicles that will provide practical strategies and techniques. Evaluators need a road map that will guide them through each phase of the evaluation process—as they gather feedback, assess performance vs. expectations, apply rankings, identify developmental challenges and evolving expectations, and communicate effectively with the individual being reviewed. Training that focuses on providing clear guidance and direction on the firm's approach to evaluating performance will give them the confidence they need to conduct effective performance reviews. Step-by-step process guidance will allow them to make more efficient use of both time and resources.

But We Have a Fabulous Evaluation System!

Many firms believe creating a state-of-the-art evaluation system automatically results in fine performance evaluations. In my experience, a poorly designed system used effectively yields better information for attorney development than what appears to be an ideal system that is given half-hearted attention by the reviewers. Any performance evaluation tool can be made more effective if its users understand how to use it appropriately. The challenge for the professional development planner is to develop a training model that provides lots of information on the firm's formal evaluation policy and form, yet also gives participants practical strategies for its effective application. The

underlying issue, as always, is to present this material in a way that maximizes both interest *and* learning.

Identifying the Areas for Training

When determining the focus for your training program, the place to begin is with the appraisal system itself. The first step is to become familiar with the firm's formal evaluation policy, the specific performance criteria measured by the process, the rating scale used to actuate that measurement, the process by which that information is transmitted to the individual being evaluated, and the ways in which information generated is used by the firm. This information should allow you to make an honest assessment of the current strengths and weakness of the attorney evaluation process, and specifically of the reviewers, themselves. The following are some of the questions you might ask:

Does every attorney get evaluated in a timely fashion?

Are we hard or easy "graders?"

Is each attorney measured on the same criteria and is the rating scale applied fairly throughout the firm?

Do evaluators use the form or do most merely scribble brief comments at the end?

What is the substance of a typical positive evaluation interview? A negative interview?

What do attorneys have to say about their evaluations?

What do the evaluators have to say about the process?

The answers to these questions should help guide you as you design the training curriculum. Looking at the intended audience will help to define the specific skill sets you will want to address. Conducting effective evaluations requires the use of most of the core supervisory skill set including organization, time management, giving meaningful feedback, listening, applying sound judgment, and providing developmental guidance. It also requires a sound approach to information gathering, analysis, and assessment.

Each individual who participates in the evaluation process may need different types of skill training. Supervisory partners will need to get information on the standards of performance, expectations for attorney performance, and a practical interpretation of the rating scale. Associate and counsel supervisors will need all that and may want to know how they can be most effective and fair while appraising peers and support staff. Evaluation committee members will want guidance on the best means to bring consistency to the process and effective strategies for writing performance summaries. Those charged with conducting the evaluation interviews will want a practical discussion framework they can use for each interview that will be effective, consistent, and efficient. Those who administer the evaluation process will want guidance on the best uses of information generated in the performance appraisal process.

Core Evaluation Training Issues

Having assessed the needs of your evaluators, you can identify the core evaluation training issues for your firm. Unless your firm is very unusual, you will probably uncover some or all of the following concerns:

- Variable quality of the feedback generated
- Process and information collected is not timely
- Ratings are applied differently by every evaluator
- Too much attorney and administrative time is spent on the process
- The evaluation interviews are not informative or developmental
- The appraisal process does not have a long-term impact on performance enhancement

Like any other performance management function, conducting effective evaluations requires a core set of specific skills and knowledge. Reviewers need to have effective strategies for gathering information, assessing performance, applying ratings, and communicating developmental information. In addition to enhancing basic skills, training seminars offer the perfect vehicle for communicating the way in which the firm hopes evaluators will approach the process. Many attorneys fail to grasp the importance of regular and meaningful evaluation, and few see its integral connection to long-term development. They may have filled out forms for years, resenting the time spent, but never seeing the productive applications of the performance appraisal process. Most will welcome information and practical strategies. While not a panacea for all evaluation ills, training raises awareness and focuses attention on this very important attorney management function.

How, What, When, and Where?

First, the training should be available to (*and dare I say required for?*) any attorney who is expected to evaluate the performance of others. At the very least, it should be made available to new supervisors, lateral hires, and evaluation committee members each year. It should be offered in every office, if possible, to ensure consistency in the associate experience. The program should include lots of information on the firm's process and forms and provide concrete examples of what the expectations are for review comments and summaries. The addition of case studies drawn from real life scenarios to the training model allows attorneys to work through common issues they will face in the evaluation process and develop strategies as a group. Additionally, group interaction allows more senior attorneys to pass on accumulated knowledge on effective evaluation practices to their more junior compatriots. Representation from the evaluation and/or management committees provides participants with access to the firm's policy interpretations on thorny issues.

Training for your evaluators is best done just before the annual or semi-annual process begins. Supervisors who know they are going to be required to evaluate ten, twenty, or more people in the next month will be more willing to take the time to attend a training seminar and will have clear motivation to focus on the content. As all trainers know, one and one-half hours over lunch is about the only time attorneys will set aside for training.

Maybe breakfast this year—who knows? But seriously, in-office training is best, followed by video conference, video-taped programs, and last, teleconference. Many states will offer CLE credit for evaluation skills training under the category of Practice Management.

Summary

Although most attorneys embrace training as an important component of their professional responsibility, the reality of busy schedules and client demands pull in the opposite direction. Presenting attorneys with a program filled with practical ideas and useful information geared toward making the review process more efficient and effective will increase your audience size. Performance appraisal is a management function many supervisory attorneys struggle with and they will welcome skills training that will help them to carry out this responsibility more effectively.

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