

Published in **Legal Times**, December 14, 1998

**`Tis the Season
(Or Turning a Chore into an Opportunity to Develop Associates)**

by Susan G. Manch

A commercial featuring Johnny Mathis singing that old Christmas refrain, "*It's the Most Wonderful Time of the Year*" has begun running on television, just as most of us are beginning to shop for holiday gifts. Every time I hear it, I can't help but think that many law firm associates and partners in town may not agree with the sentiment expressed in the song. Not because law firm lawyers are all Scrooges, but rather because the holiday season is also traditionally the season of associate evaluations. A season of consternation and insecurity for all.

All over town, associates anxiously await their opportunity to hear what the firm has to say about their work, their progress, and possibly their future. Partners, some mercilessly prodded by associates committees and administrators to complete their annual reports, are busy trying to puzzle out which aspects of each associate's performance deserve comment. Some are trying to find the right words to communicate high praise. Some are struggling with the best way to deliver bad news. Ultimately, the sensitivity of the issue causes many evaluators to stick with sometimes vague evaluation comments. They typically sound like this..

"Great job." (translation: "You are a star and we want to keep you at all costs"), or

"Doing fine." (translation: "You're where you should be, just stay on course"), or

"Keep trying." (translation: "You better start looking around").

Evaluation interviews that take less than fifteen minutes, that are delivered by partners with whom the associates has never worked, and that involve little conversation regarding the associate's specific developmental needs are the norm rather than the exception. Sometimes the evaluation system itself is at fault, not encouraging evaluators or associates by its design to participate fully in the process. Sometimes the evaluators do not approach the process with sufficient respect. And sometimes it is those being evaluated who fail to make the best use of the opportunities presented by the annual review process.

Evaluation time is a time of high emotion, perhaps made even more stressful by the approaching holidays. But handled in a thoughtful manner, the annual associate performance appraisal can enhance quality of life in the firm by providing associates and partners with opportunities for open communication and personal growth. In the spirit of the season, I would like to offer some ideas that may help make the season a little more festive.

THOUGHTS FOR PARTNERS

Employing an organized approach is the key to writing and presenting an effective evaluation report. The evaluation process affords you the opportunity to apply standards, evaluate results, provide feedback, and set performance goals. As you prepare your evaluation reports, take a moment out to consider these thoughts:

- What are the standards by which I am measuring this associate's performance?
- When the associate leaves the evaluation interview, what is the one thing that I want him/her to understand about his/her performance or progress?
- How can I describe specific work products, behaviors, or outcomes that are indicative of my overall view of this associate's progress?
- What are the associate's clear strengths? Weaknesses?
- Are there specific actions that the associate may take in the next six months that will correct the weaknesses noted?
- How would I evaluate my contribution to this associate's development or lack thereof?

Thoughtful consideration of each of these questions should allow you to provide candid and specific feedback to the associate whose performance is under review. An honest appraisal of the attorney's grasp of the core skills needed to progress in the firm is the most useful information you can provide. When combined with a collaborative effort to set goals for the coming year, the appraisal process becomes an important tool for professional development.

THOUGHTS FOR ASSOCIATES

The responsibility for making this process work does not lie entirely with the partners or supervisory attorneys. You, as associates, have a critical role in determining whether the evaluation process is a perfunctory interview or a meaningful dialogue regarding your professional future. As you prepare for your evaluation, consider these questions:

- What is my personal appraisal of the quality of my work product, of my contribution to the firm, and of my grasp of the core competencies?
- In what specific areas do I see a need for development?
- Are there organizational or personal influences that have had impact on my performance of which I should make the firm aware?
- What are my goals for the coming year?

- How can the firm help me to achieve my goals?

Having thought through these questions prior to your evaluation interview should allow you to take full advantage of the opportunity for receiving meaningful feedback. In addition, having prepared thoughts on goals will allow you to enlist the partners and the firm in helping you to reach those goals. The performance appraisal process does not have to be focused only on the past--*you* can shift the focus to the future by providing an outline of what you hope to accomplish in the coming year, and by describing how you expect the firm to support the attainment of those goals.

THOUGHTS FOR FIRM MANAGEMENT

Research has shown that employers who regularly communicate developmental progress, and who encourage employees to set personal goals are likely to enhance the quality of life for, and the retention of, their valued employees. An effective and carefully designed performance appraisal system can be an important part of a multi-phasic approach to professional development. Considering the time spent by partners, associates, and administrators on the evaluation process once or possibly twice each year, it only makes sense to get the best possible return on that investment of valuable time. While many firms use this annual review to determine compensation and progress upward in the firms, it can also be used to communicate support or concern, to foster the design of training interventions, and to motivate associates to continue to focus on developmental objectives.

As associates everywhere clamor for their firms to provide more and better training and to show a greater level of commitment to their professional development, using the existing evaluation process as a tool for training and development is a practical answer. Review these thoughts to assess the effectiveness of your current system:

- Are there clear standards of performance for associates specific to varying practice areas and to varying levels of experience?
- Is the system "user friendly", providing evaluators with clear direction and easy access to forms and information about the process?
- Have evaluators been provided with guidelines on writing reviews and trained to carry out effective evaluation interviews?
- Is there an opportunity for the associate being reviewed to speak directly with those partners who reviewed his/her work and to provide a self-assessment or written rebuttal to the formal review?
- Are star performers given new challenges? Are poor performers given clear objectives for continuing to progress in the firm? Are all associates given the opportunity to create action plans to reach personal goals?

If the answer to some or many of these questions is "no", it may be time to consider a system overhaul. Even the best appraisal system can become stale over years of use and through generations of individual interpretation of context and purpose. The best place to start anew is with the articulation of performance objectives the firm believes will predict success for an attorney in the firm. An effective appraisal system must be based upon a core set of values, behaviors, and beliefs which the firm has determined it wants to reward, encourage, and reinforce.

I sincerely hope that *this* evaluation season has been or will be a positive growth experience for each of you involved. Opening a dialogue on performance, discussing developmental progress, and setting challenging goals and objectives may help diffuse some of the pressure and stress of this busy season.

Susan G. Manch is a principal with the legal management consulting firm of Shannon & Manch in Washington, D.C. Her firm specializes in assisting law firms and legal employers with the design and implementation of developmental attorney management practices, including performance appraisal systems. She can be reached at (202) 293-8900.