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Performance reviews get a bum rap. Most law firms review associates once or twice a year. Too often, associates experience these reviews as superficial, awkward, and sometimes even painful conversations about events that happened months before. In tough times, associates also perceive reviews as a tool that law firms use to justify terminations when work is scarce. If the associate review process arouses such strong negative feelings, law firms are squandering a huge amount of time, effort, and good will. Performance reviews don't have to be so grim. When done properly, they can spark motivation, learning, and high morale.

One way to make reviews more effective is to base them on explicit performance standards. Well-defined performance standards identify exactly what associates need to learn and do to advance and succeed in your firm. They provide guidance on the quality of performance the firm expects for progress and promotion. Associates who know in advance what is expected of them and see that the firm cares about their development become motivated to excel and are better able to do so. They develop into more mature and satisfied lawyers who practice more productively and profitably. As a result, a well-conducted review process promotes the business interests of the firm: clients are better served and profits rise.

Using carefully enumerated standards shows associates that reviews are not mere administrative exercises, but integral components of their professional development. It demonstrates that the firm has thought about and agreed on what it takes to succeed as a lawyer. And it reinforces the firm's commitment to associates' development and its willingness to give them the information and feedback they need to move ahead.

Performance standards also make it easier for firms to identify and nurture outstanding associates, and counsel poor performers. If an associate's performance problems persist, the standards make it easier to prescribe suitable remedies or pinpoint reasons for dismissal. Most associates, however, should receive good or excellent marks in their reviews. In face-to-face discussions, reviewers can determine what they need from the firm to maintain high performance levels and professional satisfaction. By ascertaining and supplying the desired experiences, resources, and work environment, firms can develop and retain their hardest working and most talented associates.

The use of explicit performance standards improves associate reviews in other ways as well:

Feedback is more meaningful. Unlike the informal feedback that is given at or near the time of an occurrence, in a formal review, performance is measured against a full set of clear, pre-determined standards. Instead of giving associates feedback on ancient events (which should have been done at the time of the event), reviews take the long view. Associates receive a report of what others have observed and concluded about their overall performance and how it compares to the stated expectations of the firm. Rather than focus on correcting past failures or errors, reviews concentrate on what associates must do going forward to measure up to the firm's expectations. When associates and reviewers meet in person, they chart the lawyer's growth and progress over the previous six to twelve months; spend time on planning strategies, goals, and steps for the associate's further learning and development; and explore future possibilities and opportunities that will benefit both the associate and the firm.

Communication improves. Performance standards provide specific reference points and a common language for discussing associate performance and development. When standards are defined, the chance of misunderstanding is reduced. Discussions are clearer, more focused, and less laden with defensiveness and emotion. Reviewers can explain the reasons for compensation and promotion decisions in a way that is more objective and less threatening to the associate's self-esteem.

Reviews are more consistent. Evaluators do a better job when they know what objective and observable conduct, skills, and events to look for in assessing a lawyer's performance. The potential for bias is decreased and the criteria used to assess performance are more consistent throughout the firm. Lateral lawyers who join your firm review associates according to your standards, values, and expectations, not those of the firm they came from, which may be quite different.

Fairness and accuracy are enhanced. When the bases for evaluation are unspoken, vague, or overly broad, reviews provide little more than conclusions or impressions that leave the associate unsure and uneasy; they are too abstract to be of value. For instance, a reviewer might state that an associate is "not a team player." What does that mean? Since a team player may look very different to different people, this phrase provides no real information about the associate's performance; it may simply be an unfair conclusion based on a stereotype or bias. In contrast, if the firm wants to measure an associate's ability to work as part of a team, reviewers might be asked to assess how well an associate "Works effectively with lawyers and staff to address client and firm needs; Is willing to make commitments and sacrifices necessary to meet team and client demands." This presents a standard that describes the expected performance, refers to

detailed, observable behaviors, and consequently, yields a fairer and more accurate assessment.

Career planning is facilitated. Performance standards tell associates what it takes to advance in the firm, what criteria the firm will apply to judge their readiness for promotion, and what they need to do to become a partner. They make associates aware of the kind and complexity of work they should do, and give associates the information they need to make smart choices in their work assignments and in their long-term career planning.

Articulating the firm's performance standards.

The firm's performance standards should be contained and explained in the evaluation forms that solicit data for the review. Although some standards apply to all associates, others will need to be tailored to different practice areas. All performance standards should describe *competencies*, which consist of the specific knowledge, skills, behaviors, and attitudes that associates must have to excel in their work.

Competencies establish criteria for determining the nature and quality of expected performance. In addition to technical mastery of the law, they cover such areas as interpersonal skills, team skills, client development, client relationship management, work and people management, and leadership ability. They distinguish the most capable performers from those who are merely adequate and set the model for superior, successful performance – the kind of performance ultimately required to become a partner. For example, let's say your firm places a high value on ethical behavior. Your evaluation form might ask whether an associate "Is aware of and complies with ethical duties and responsibilities owed to clients and the firm" or "Is able to make proper decisions on difficult ethical issues."

Before your firm can articulate relevant performance standards, it must first examine what success and excellence look like. This involves gathering and analyzing information about the kind of knowledge, skills, behaviors, activities, and qualities your firm values most highly. A good place to start is your firm's mission statement and strategic plan to see what lawyers need to learn and do to help achieve the firm's business objectives. Then question your partners: What competencies and characteristics do they possess? What does it take to be admitted to partnership? What will it take to become a partner in the future?

From the information you gather, determine 4–6 discrete categories that reflect and promote the firm's key values (e.g., technical legal skills, interpersonal skills, professionalism). Be sure the areas you select to evaluate are directly and distinctly relevant to successful performance in your firm. If, for instance, junior associates rarely have direct client contact, assessing "client relationship management" in a first-year associate's evaluation would be pointless. Also consider the firm's future plans and strategic goals. If the firm intends to undergo significant change or expansion, it may decide to place a higher premium on lawyers' ability to handle uncertainty and risk.

Next, identify 5–10 specific components to be evaluated for each key performance standard. If one of your standards is "professionalism," it must be dissected into specific, observable tasks, skills, attitudes, behaviors, and attributes that characterize what a lawyer must do to demonstrate that quality. For example, one component might be "*Attention to detail*: Is thorough and tenacious in completing complex and multifaceted tasks; work product is neat and free of errors."

After you complete this process, write the standards down. The standards should explain what evaluators

should assess about associates' behaviors, attributes, actions, and interactions. They should also contain only skills, actions, or qualities that reviewers are able to assess through direct observation or through inferences based on surrounding events and evidence (e.g., inferring that an associate is trusted by a client when the client sends new work directly to that associate). Once the performance standards are codified, distribute them to all lawyers before reviews begin and answer any questions that arise.

It is a good idea to involve associates in the process of identifying and adopting performance standards. Their participation in the data-collection and drafting processes builds leadership and trust. The participating associates will get to know the firm and the partners better, and other associates will be less suspicious and anxious because the process is more transparent.

Your firm and its associates share a common interest in optimizing associates' potential. Effective performance reviews, based on explicit standards, can help associates become the best lawyers they can be – which will help make your firm the best it can be.

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