

Upward Evaluation: Results of Our January Survey

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The most phenomenal result of the upward evaluation survey we conducted for this issue was the response to it.

On the afternoon of January 3, as everyone was emerging from the holiday hiatus, we e-mailed a short questionnaire to 134 managers of in-house law office professional development programs, asking about their views on and experiences with upward evaluation. The questionnaire went out at 4:07 p.m. Immediately dozens of automated “out of office” replies came in, and we began to rue our bad timing.

But not for long. The first completed questionnaire came back at 4:14, setting a new record (7 minutes) for turnaround on a **PDQ** survey response. Twelve arrived by the end of the day. In all, we received 37 responses¹, a response rate of 28% and another record, by the January 16 deadline.

Clearly there is an extraordinary level of interest right now in upward evaluation and this survey. So let’s get to the other results.

¹Our thanks go once again to our colleagues in the Professional Development Consortium, who provided 32 of the 37 survey responses we received, as well as to five other in-house colleagues who responded.

Who Responded

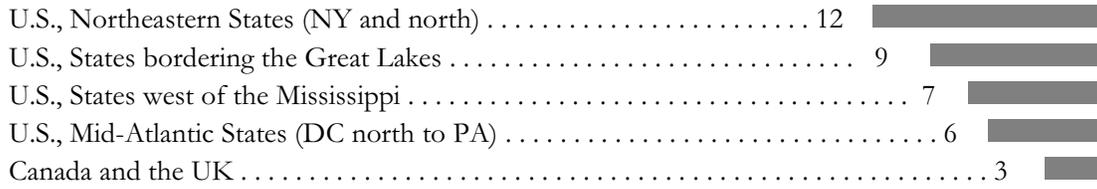
The 37 responding law offices include 36 private law firms and one government agency. The smallest employs fewer than 150 lawyers, the largest more than 1,000. Average organization size is 498 lawyers.²

Geographically the respondents’ headquarters offices are clustered in three countries: the United States (34, distributed in four distinct regions) and Canada and the United Kingdom (3 combined). Figure 1 on the next page details the geographic distribution.

Conspicuously unrepresented, we noticed, are law offices based in the U.S. Southeast and Pacific Northwest. (Sheer speculation: Perhaps they have zero interest in upward evaluation. Maybe they have utterly amazing programs they don’t want the rest of us to know about. Or maybe they just holidayed longer than the rest of us.)

²Organization sizes were not requested in the questionnaire and are based on other sources: For U.S. law firms, their self-reported data in the 2001-02 edition of the *National Directory of Legal Employers* (Washington, DC: National Association for Law Placement); for other organizations, data from their web sites or from their responses to our July 2001 technology survey, which did ask about organization size.

Figure 1. Geographic Distribution of 37 Responding Law Offices



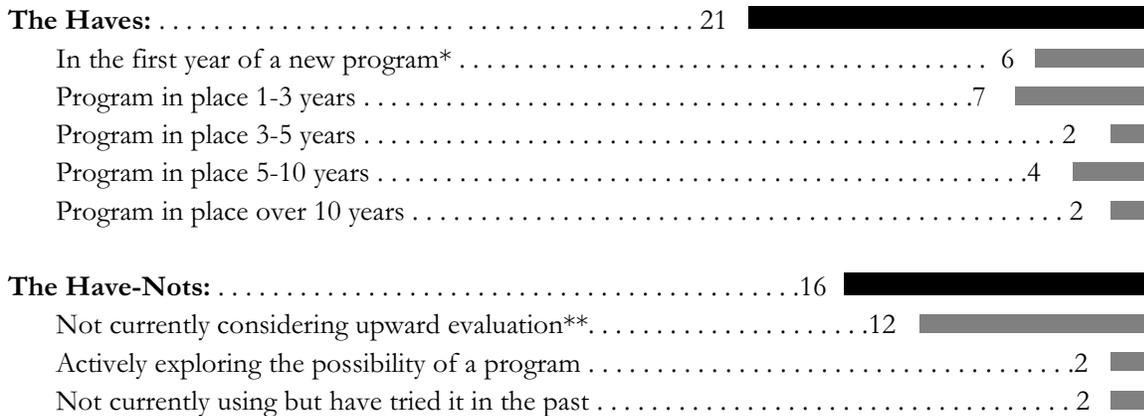
Who Is Using Upward Evaluation

Twenty-one of the 37 responding law offices (57%), all of them private law firms, have upward evaluation systems in place; hereinafter we refer to these firms as the “Haves.” Sixteen respondents (43%), the “Have-Nots,” do not

currently conduct upward evaluations.

The status of upward evaluation in each of the responding organizations is as follows:

Figure 2. Status of Upward Evaluation in 37 Responding Law Offices



* Some of these programs are in the early stages of development or have not yet been implemented firm-wide.
 **Several of the organizations in this category have explored upward evaluation in the past; six respondents said that particular individuals or groups remain interested in pursuing it.

When we compared organizational characteristics of the Haves and the Have-Nots, we were surprised to find no apparent correlation between organization size and the existence of an upward evaluation program. Both the two smallest and the two largest survey respondents use upward evaluations, and both some relatively small and some very large law offices do not. The average size of the Haves (513) is, however, slightly larger than the average size of the Have-Nots (478).

**PROFESSIONAL DEVELOPMENT
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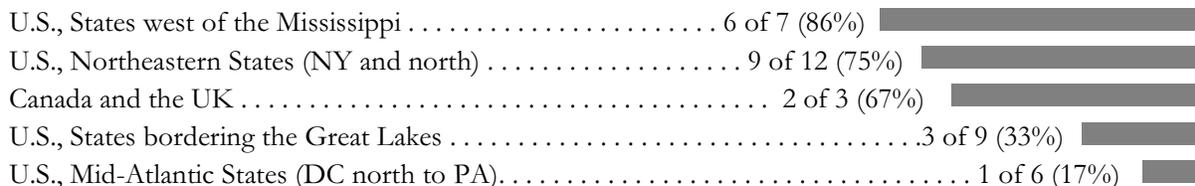
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There does, however, appear to be a correlation to geographic location. Overall, based on the survey responses, it appears that U.S. firms headquartered in states west of the Mississippi and in the Northeast are more likely to have an upward evaluation program in place than other law offices. (Note that our tiny sample of Canadian and UK respondents also shows a relatively high

percentage but is too small to draw any conclusions.) Moreover, the six responding firms with the longest experience with upward evaluation (5 or more years) and the six firms where the evaluation process appears to be working most satisfactorily (more on these “Successful Systems” below) all are headquartered in those two regions. The geographic breakdown is as follows:

Figure 3. “Haves” as a Percentage of All Respondents, by Headquarters Location



We created two special subcategories of Haves to look for other correlations:

- **Home-Grown Systems:** 11 Haves with upward evaluation systems that were internally developed and are internally administered with no outside assistance whatsoever. One thing we noticed about these systems is that, on average, they have been around longer than the others – typically 3 years or more. The two firms whose systems are 10+ years old are both in this category.
- **Successful Systems:** 6 Haves whose process appears to be working the most satisfactorily, although in some cases that success is confined to one group. Inclusion of a firm in this category was determined by:

(A) its upward evaluation program having been in place for more than one year (enough time to dim the rosy glow that often surrounds a new system), and

(B) its achievement of a minimum combined score on three leading indicators: (1) the receptivity of supervisors to the evaluation feedback, (2) the percentage of subordinates who actually participate in the evaluation process, and (3) the accuracy (i.e., candor) of the evaluations provided.

Please note that these two subcategories are not mutually exclusive: 4 of the 6 Successful Systems are Home-Grown Systems.

Any notable differences exhibited by the systems in either of these special categories are indicated in the relevant sections that follow. We also requested some further input from the managers of the Successful Systems, and that further input is likewise discussed in the relevant sections below.

Program Characteristics

A. What Supervisors Are Evaluated and Who Evaluates Them

At the 21 Haves, the most typical setup is that all lawyer subordinates below the level of partner evaluate all partner supervisors, sometimes including other senior lawyers with titles such as Senior Counsel, Of Counsel, etc. There are, however, some interesting variations on this theme. The breakdowns are shown in Figures 4 and 5 on the next page.

The Home-Grown Systems make up the majority of those in which supervisors other than partners are evaluated (Figure 4): they constitute 7 of the 12 firms that evaluate senior associates/counsel, 5 of the 6 that evaluate mid-level associates, and all of the firms that evaluate junior associates, administrators, or other non-lawyers as supervisors.

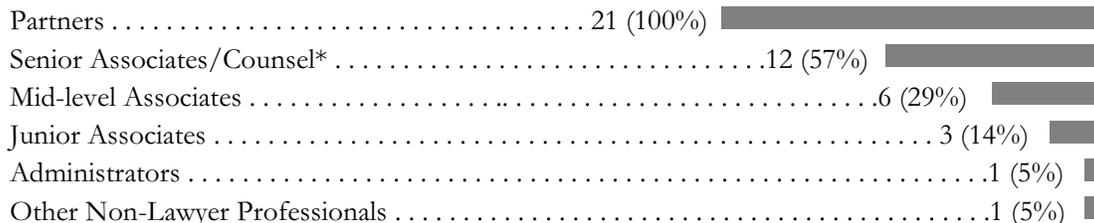
All 6 of the Successful Systems evaluate senior associates/counsel. They are evenly split on evaluating below that level: 3 of them also evaluate the supervisory skills of mid-level and junior associates; 3 do not. None of

them evaluates non-lawyers.

In designating who will provide the evaluations, the Home-Grown Systems likewise form the bulk of those that include evaluators other than associates. They account

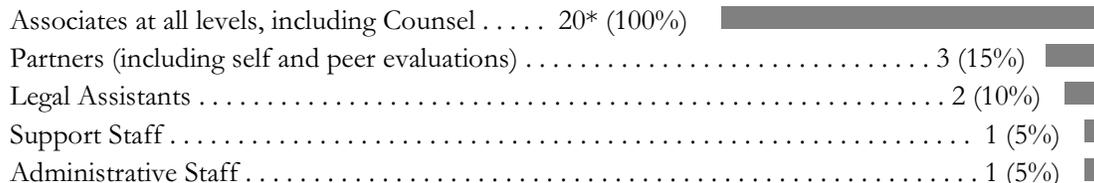
for 2 of the 3 firms that collect evaluations from partners, 1 of the 2 that collect them from legal assistants, and the sole firm that collects them from administrative and support staff. One of the 6 Successful Systems collects evaluations from partners as well as associates.

Figure 4. The Supervisors Who Are Evaluated at 21 Firms



* Our questionnaire used the term “Senior Associates.” In answering it, two respondents added the term “Counsel” for lawyers above the level of associate who are not yet partners.

Figure 5. Who Evaluates the Supervisors at 20 Firms



*One firm whose program is in the early stages of development did not answer this question.

B. Process Quality and Participation

We asked three questions designed to get at how well the Haves’ evaluation processes are working, that is:

- how receptive supervisors are to their evaluation feedback,
- how many potential evaluators in fact participate in the process, and
- how accurate, constructive, and complete is the content of the evaluations.

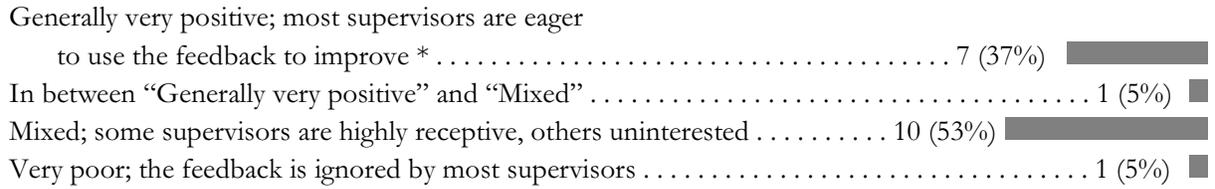
As noted above, the combined scores on these three questions also determined the firms to be included in the

“Successful Systems” category. So those firms, by definition, are consistently represented in the responses at the higher end of each scale.

1. Supervisor Receptivity

Nineteen managers, 18 Haves and 1 Have-Not whose firm has conducted upward evaluations in the past, rated supervisors’ receptivity to the evaluation feedback they received as shown in Figure 6 on the next page. (This question was not answered by two managers of new programs, nor by a third who is not involved in the delivery of evaluation reports.)

Figure 6. Supervisors' Receptivity to Evaluation Feedback at 19 Firms



* One manager who gave a "Generally very positive" rating noted that the firm's new system has so far involved only "volunteers or 'early adopters,'" adding "We haven't gone firm wide and so we haven't yet had to deal with the recalcitrant supervisor."

2. Evaluator Participation

Nineteen managers, again 18 Haves and 1 Have-Not, answered our question, "On average, what percentage of potential evaluators actually submit evaluations?" as shown in Figure 7.

Among the Successful Systems, one manager who sees

participation level as the single most critical success factor said,

"The key was to urge, cajole, incent or otherwise get by hook or by crook, the absolute highest level of participation. This insured that an attorney's comments would 1) be anonymous, 2) be credible as part of a larger sample."

Figure 7. Evaluator Participation Levels at 19 Firms



3. Evaluation Quality

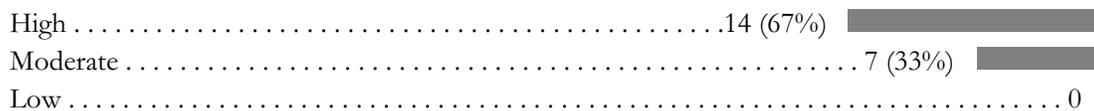
We asked the respondents to rate the average quality (High, Moderate, or Low) of the evaluations that were submitted on three dimensions: Accuracy (i.e., candor), Constructiveness, and Completeness. Twenty-one (21) respondents answered the question, 20 Haves and 1 Have-Not, and their responses were distributed as shown in Figure 8 on the next page.

On Constructiveness of the evaluations, one respondent with a newly implemented program reported, "We were very pleased with the comments that were made. Some of the things associates said about the partners made me proud to be at the firm. There were some negative comments but the positive feedback outweighed the negative. I think there had been some expectation that the associates would use the opportunity to slam the partners."

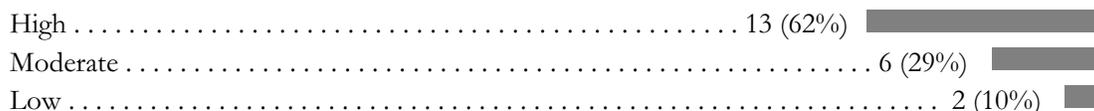
The respondents scored their evaluations lower on Completeness than on the other quality dimensions. Even managers of 3 Successful Systems rated their evaluation quality as only "Moderate" in this regard. We asked them about this in our follow-up questions, supposing that some firms' evaluation criteria may be avoiding touchy issues. The two explanations we got back, however, were different from our supposition and also from each other. One firm uses an online evaluation questionnaire which is "comprehensive," but the evaluators' "better safe than sorry" tendency ... painted an incomplete picture of true performance." At the opposite technological extreme, another respondent gathers upward evaluations orally in face-to-face interviews without using a form or pre-established evaluation criteria, and as a result some aspects of any given supervisor's performance may be overlooked.

Figure 8. Quality of Evaluation Inputs at 21 Firms

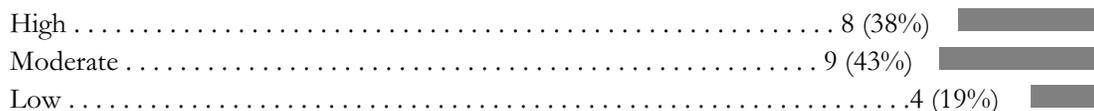
1. Accuracy: The evaluations fairly depict supervisors' actual performance.



2. Constructiveness: The evaluations identify both strengths and weaknesses, and offer specific and actionable suggestions for improvement.



3. Completeness: The evaluations address all significant aspects of supervisors' performance.



C. Supporting Resources

A common difficulty with all evaluation systems is the management burden they impose. Two types of resources that are typically employed to help with the tasks involved are computer support and outside consultants. We asked our respondents to indicate how, if at all, they have used these resources.

1. Computer Support

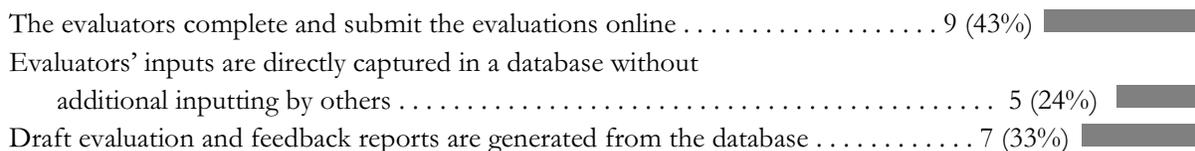
We asked the respondents to indicate which, if any, of three essential steps in their evaluation process is automated. Four of the 21 Haves have automated all

three steps. Eight more have automated at least one step, and one of these plans to automate the rest this year.

In addition to the options listed below, one Have firm uses a scannable evaluation form. Surprisingly, the average size of the 9 Haves that apparently are doing without computer support altogether is 410 lawyers; 5 of these firms have more than 400 lawyers, one of them significantly more.

The three steps, and how many of the 21 Haves have automated each one, are as follows:

Figure 9. Use of Computer Support by 21 Haves



2. Support from External Providers

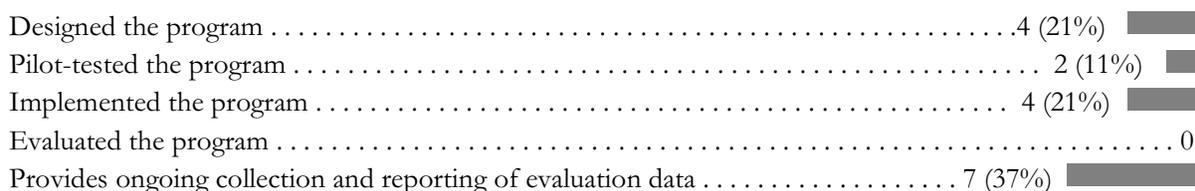
Seven of the 21 Haves (33%) have used outside consulting help for one or more steps in developing and managing their programs. Twelve Haves (the Home-Grown Systems) have used no outside help whatsoever. Two Haves did not answer this question.

The most common step for which outside help is used is the ongoing collection and reporting of the evaluation data; all 7 firms with outside help use it for that purpose.

The full sequence of steps, and the number of firms using outside help to perform them, is shown below in Figure 10.

At one firm, upward evaluation is one component of a broader 360 degree evaluation process that a consultant helped to design. The two newest of the 6 Successful Systems used an external provider to help them design or implement the program; both of these also use the provider for ongoing data collection and reporting.

Figure 10. Use of External Providers by 19 Haves



D. Pluses and Minuses of the Program

We asked all 37 respondents, Haves and Have-Nots, to check what they consider to be the most significant benefits and the major disadvantages of an upward appraisal program, and to add any that were missing from our multiple-choice lists.

In compiling the data, we looked for any marked differences between the perspectives of the Haves and the Have-Nots, reasoning that any such differences would reflect the wisdom of experience. The two groups' views were very similar on the perceived benefits. There were some marked differences, however, between the disadvantages expected by the Have-Nots and the disadvantages actually experienced by the Haves.

1. Most Significant Benefits

The 37 survey respondents (both Haves and Have-Nots) cited as the most important benefits of upward evaluation the outcomes shown in Figure 11 on the next page. Similar percentages of both the Haves and the Have-Nots checked each of the benefits on our list.

2. Major Disadvantages

The 37 respondents perceived the disadvantages listed in Figure 12 as "major."

Some noteworthy differences in perspective appeared, however, when we compared the responses of the 21 Haves and the 16 Have-Nots. The two groups' responses on three items – "Subordinates' fears," "Lack of follow-through," and "Administrative burden" – were similar. But many more Have-Nots than Haves rated "Supervisors' disinterest" and "Damage to working relationships" as significant, indicating that this disadvantage may prove to be less of a problem than the Have-Nots expect.

Conversely, the Have-Nots rated "Time burden for participants" somewhat lower than did the Haves, indicating that this disadvantage may not be sufficiently recognized when considering a program.

These differing viewpoints are shown in Figure 13.

Figure 11. Most Significant Benefits Perceived by All 37 Respondents

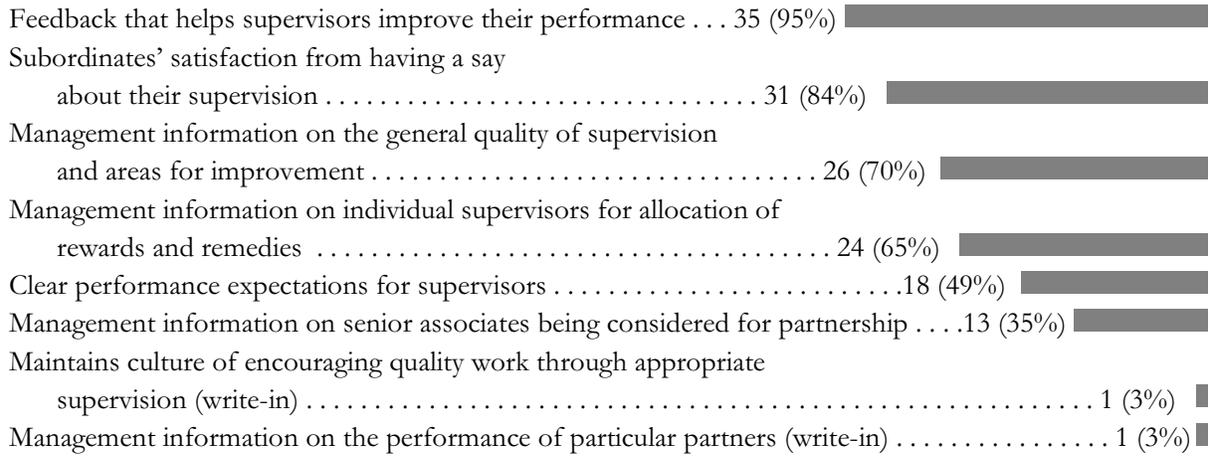


Figure 12. Major Disadvantages Perceived by All 37 Respondents

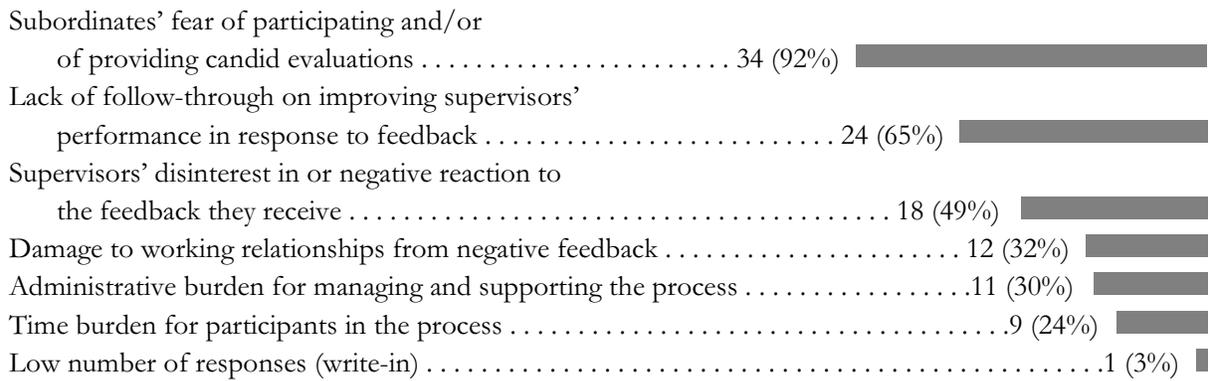
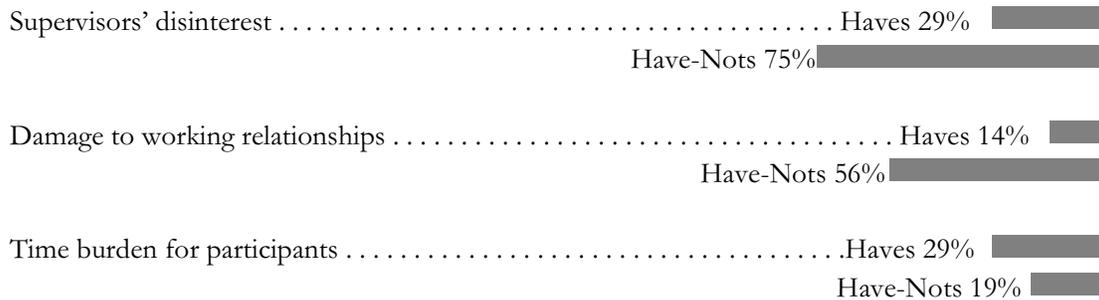


Figure 13. Major Disadvantages: 21 Haves vs. 16 Have-Nots



Some Strategies for Success

A. Addressing the Fear Factor

As indicated above, the overwhelming majority of all 37 respondents agreed that “Subordinates’ fear of participating and/or of providing candid evaluations” is by far the biggest single roadblock to the success of an upward evaluation program. Many of them marked this item with extra emphasis (stars, double-checks, etc.) and/or added comments about it.

In several Have-Not firms, subordinates’ fear is what has stopped them from pursuing a program or even ended an existing one:

- “Our firm apparently tried an upward evaluation program once ... and it was not successful, primarily because of associate fear that their candid partner evaluations would result in retribution.”
- “We have done one twice ...; it was a lot of work; associates felt at risk; partners felt grumpy.”

Even in the Have firms, associate anxiety is an on-going issue:

- “Associates rarely provide comments for fear of retribution. Associates (despite assurances and the on-line system, etc.) are very suspect of anonymity and negative repercussions.”
- “Our process is strictly anonymous and composite reviews are drafted from the individual reviews submitted. However, despite that fact, associates constantly worry about partners ‘reverse engineering’ to discover which associates may have given which scores. I am concerned that associates are too easy on the partners because of fear of affecting their working relationship.”
- “We do everything possible to keep the information of a general nature so as not to identify the evaluator or the matters worked on. Still some evaluators are hesitant to provide comments on supervisors for fear of tainting the relationship.”
- “Most difficulty is for those who are either in small practice groups or small offices who are more easily identifiable and more fearful of possible repercussions of completing the review.”

Preserving the anonymity of the evaluators is a key issue. Anonymity is at the heart of most respondents’ strategies for dealing with the “Fear Factor.” In additional

comments on the questionnaire, a number of the “Have” firms volunteered what has worked for them in protecting anonymity and otherwise addressing associate fears. In addition, three managers of Successful Systems expanded on their comments in this area in response to our follow-up questions.

The respondents’ collected comments and suggestions:

From two managers of new systems:

- “I gave associates who were the sole evaluator of an individual supervising lawyer the option to withdraw their evaluation. Some did, most didn’t, but I think they appreciated the extra effort to preserve anonymity.”
- “Because the confidentiality of the assessors has been paramount ... the partners ... will only get aggregate scores in the ... categories in which they were assessed. They will not know how they did on each question. I am not sure yet if this will be enough information to help them make a change.”

From five managers of longer-term systems, including Successful Systems (designated “SS”):

- “[The consultant] collects the reviews and provides individual reports to partners.”
- “We ask the [supervisors] to provide us with a list of ... their peers; the consultant asks ... people on that list to submit anonymous evaluations as well.”
- **SS:** “Upward evaluations are usually a composite of impressions and thoughts of all associates – an end product of a group product.” *Follow-up comment:* “Key to success in my section ... has been the integrity of the group process. That has not been the case in every section....”
- **SS:** “The key factor for us was to achieve very high participation levels both from contributors and from self-reviews. High participation rates insure anonymity.” *Follow-up comment:* “[F]irst we use an outside firm to collect the data. Next we will not publish any review whatsoever that does not have a minimum of three contributors. Our consultant ... screened out comments which might serve to identify the contributor.... We published data on participation rates by practice group to the practice group leaders continuously during the process to create competition between the groups in achieving high participation

rates. But the best antidote ... was to publicize the participation rates to the associate population as the process is going on. The more folks who contributed, the more likely it was to get the doubting Thomas....”

- **SS:** *Followup comment:* “In a word, trust. It works because ... associates know that I will keep their comments confidential. Also, I think that we have become far too wedded to filling out forms. When you sit across the desk from someone, and ask them to talk about the people they work with, you get a much more candid ... response.”

B. Getting Supervisors to Improve

One manager of a Successful System commented, “We have seen a remarkable improvement in behavior and [the upward evaluation program] is considered a huge success.” This, after all, is the whole point of the program. Yet “Lack of follow-through on improving supervisors’ performance” ranks a strong second on the negatives list. So just how do firms bring about that kind of performance improvement?

The first key to follow-through would seem to be the extent to which the firm’s management and culture clearly put a strong priority on good supervision, so that there is real pressure on supervisors to improve. Some of the different possible points on the scale of priorities are indicated by the following respondent comments:

- “Associates feel (and perhaps rightly so) that when it comes to partnership decisions and partnership compensation decisions, only business counts and not how effective partners are at training, mentoring or guiding associates.”
- **SS:** “The process is, on the whole a very positive thing that is taken seriously by management.”
- **SS:** “The key to overall success has been the firm’s responsiveness to those ‘outl[i]er’ partners – from proactive intervention such as exec[utive] coaching to more negative consequences such as compensation hits.”

The latter comment, however, brings up another key issue: just what form the follow-through should take. On this issue there is clear disagreement among all categories of respondents -- even among the Successful Systems -- on whether the upward evaluations should result in tangible rewards and penalties, or should be used solely for developmental purposes:

- From a Have-Not firm: “I am a fan of any type of 360 evaluation for developmental purposes only.... I believe that the moment compensation is involved, feedback is no longer candid.”
- From a firm with a 3-5 year old system: “[M]oney has to become part of the picture. Frankly, if you tie monetary consequences into this type of feedback too soon, the organizational immune system kills it as a foreign body invading the firm. If you don’t tie remuneration to it eventually, then the feedback becomes entirely irrelevant to those who are driven to succeed in the firm. Timing of connection between pay and feedback ... is critical.”
- From a Successful System firm: “No linkage to reward or compensation system, solely for professional development.”

In this area, it may be that we get back to the issue of culture and what will work best in the given environment.

C. Secrets of the Successful Systems

The most striking thing about the six Successful Systems identified in the survey is how very different they are. They seem to represent all the possible variations of an upward evaluation program. Based on their results, it appears that a successful upward evaluation program can:

- Thrive in a large organization or a small one, or in one part of an organization where the process is not successful in the other parts.
- Be entirely home grown and maintained, or be developed and/or maintained with the help of a consultant.
- Evaluate only partner-level attorneys as supervisors, or evaluate more junior attorneys as well.
- Collect peer and/or self-evaluations, or not.
- Use an evaluation form and pre-established evaluation criteria, or not.
- Collect the evaluations on line, or on paper, or orally and in person.
- Have the evaluation feedback compiled and reported by management, by the subordinates themselves, or by an outside consultant.

- Use the evaluations for developmental purposes, or to determine tangible rewards and/or penalties, or both.

In fact, the one and only thing that all the survey respondents, including the Successful Systems, seem to agree on is the importance of protecting evaluator anonymity.

We had expected the results of this survey to key in on some specific system prerequisites. The good (and bad) news is that it has not. What it has revealed instead is that there are no pat answers -- that success does not come from having a particular size of organization or a particular type of evaluation form or process, or from using a particular consultant or computer program.

We can discern only two common elements in the success of these six upward evaluation systems: commitment and competence. That is,

- Institutional commitment – not merely to the evaluation program itself but to its desired end result, good supervision -- that is backed up by (a) leadership action, and (b) the necessary resources, whatever form those resources may take. In other words, these firms truly “walk the talk.”
- Able, energetic people who understand the firm, its lawyers, and the evaluation process; who know what

PDQ Classics:

Performance Appraisal as a Professional Development Tool

Both associates and firm managers prize the information that thoroughgoing associate performance appraisals can provide. Particularly for professional development, that information is invaluable. In a perfect world,

- The evaluation **criteria** clearly communicate the firm’s performance expectations to all associates.
- Accurate performance **ratings** tell each associate how well his or her performance has measured up to those expectations during the past evaluation period and, after a certain point, whether he or she is on track for partnership.
- Detailed performance **feedback** tells each associate quite specifically how to improve his or her

Online Simulation of Upward Evaluation

Experience online evaluation and play the role of an associate evaluating his/her supervisor in our online upward evaluation simulation. Go to <http://www.profdev.com/nalpevals.htm> between February 6 and March 29 to participate. The results of the evaluations, and sample evaluation reports based on them, will be displayed and discussed in our NALP conference presentation, “Developing Partners’ Supervisory Skills Through Upward Evaluations,” on April 11 in Kansas City.

needs to be done to make the process work and how to do it; and who then get this voluminous, complicated, sensitive, detail-laden job done, cycle after cycle.

The message we take away from the survey is this:

If a law office has the institutional commitment and the people and other resources to make it happen, the upward evaluation program will succeed and everyone will be better off for it. If not, upward evaluation is not worth doing – the cost of the effort and the consequences of failing at it are too great.

performance and meet the firm’s expectations in the future.

- The **aggregated ratings and feedback** tell the firm how well associates are doing overall, by class, and by practice area; whether training and other performance interventions have had a discernible impact; and what training and other interventions would be useful in the future.

In a perfect world, in other words, associate evaluations are accurate, complete, detailed, and constructive. And, of course, timely!

Real World Evaluations

In concept, performance appraisal is a straightforward, objective process that consists of three basic steps:

1. Observing each associate's performance,
2. Rating the performance against a predefined standard, and
3. Reporting the ratings and the relevant aspects of the performance to the firm and the associate.

A key role in the process is played by partner (and, in some firms, associate) supervisors. For the process to function as intended, each supervisor must observe, rate, and report the performance of each associate with whom he or she has worked, accurately and thoroughly.

Unfortunately, supervisors are not nearly as eager to give accurate and thorough performance appraisals as associates and firm managers are to get them. In fact, to most supervisors this process is about as appealing as a root canal. It is not surprising, then, that supervisor cooperation is firms' number one headache in managing performance appraisals.

The Supervisor's Perspective

It also is not surprising that supervisors feel the way they do. Consider how the evaluation process typically impacts on them:

1. **Preparing meaningful performance appraisals is time-consuming and difficult**, not just in assigning ratings and making comments at the end of each evaluation period, but also in observing and documenting each associate's performance during the period with the kind of concrete specifics that make for really useful feedback. Moreover, few lawyers are inclined to supervise even beginning lawyers closely enough to observe anything but the end product of the associate's work (as opposed to the process followed to produce it), which further hinders their ability to provide useful feedback.

2. **There are no rewards for spending the time necessary to do quality performance appraisals, and no penalties for not doing them.** That is, few firms have established any real incentives or disincentives, financial or otherwise, around associate evaluations. But as the saying goes, "What gets rewarded gets done."

3. **Candid performance appraisals can injure subordinates and damage important working relationships.** Many associates are personally invested in being at "the top of the class" and can be upset by any criticism or any rating below the top of the scale. If a

lesser rating impacts their compensation or advancement as well, the injury takes tangible form. Especially with associates the partner wants to continue relying on, it can be much safer to give only top ratings and positive comments.

4. **Candid performance appraisals can impair the supervisor's reputation.** Partners want to maintain their own reputations. Acknowledging that someone they supervised has performed at less than a superior level, especially if associates supervised by others all get top ratings or if their own misjudgment or miscommunication played a part in the suboptimal performance, can lower their standing in the firm.

Six Features of Effective Appraisal

Perhaps the one real surprise in all this is that performance appraisals are as candid and thorough as they are at some firms. Where that is true, in our experience the firm has addressed the supervisors' issues raised above and the resulting appraisal process has the following six characteristics:

1. **Developmental feedback is the system's top priority.** Although information gathered in the appraisal process may ultimately feed into compensation, partnership admission, and termination decisions, the linkage with administrative actions is de-emphasized and made as distant as possible. Instead, all the emphasis and energy are placed on getting the best possible quality and quantity of feedback for each associate to help him or her improve.

Certainly supervisors can and should provide ongoing feedback outside the appraisal process as well. The value added by performance appraisal is that it weaves together all the separate threads of feedback from different supervisors and helps the associates to see the "whole cloth" of their performance and to measure it against the yardstick of the firm's standards and expectations.

2. **Each associate has multiple evaluators, and the evaluators' ratings and comments are anonymous.** The associate may know who provided evaluations, but will not know which rating or comment came from which evaluator. As a rule of thumb, a minimum of four evaluators should provide evaluation input for anonymity to be assured.

3. **The firm educates all new supervisors and new associates on the evaluation criteria, the process, and their role in it.** Typically supervisors are given instruction in understanding the performance criteria and rating scale and in providing constructive feedback, while

associates are told what the firm's performance standards are, what to expect from the appraisal process, and how to interpret and act on the feedback they receive.

4. **The firm exercises excellent quality control over the content of the evaluations.** A responsible partner or manager reviews every evaluation to ensure that it is clear, complete, and appropriately worded, and may engage supervisors in rewriting any that are problematic. Noncompliant supervisors are, at the very least, steadily pressured to cooperate and may be penalized financially and/or by publicizing their noncompliance. If each associate's evaluations are synthesized into a master compilation, as is done at many firms, the compiled version is also carefully vetted to make sure it delivers a coherent message.

5. **The firm trains those who deliver evaluations to associates.** This is the most crucial part of the process for associate development and associate morale. Appraisal interviewers must know how to present a coherent and constructive view of the associate's performance, communicate the firm's evaluation message clearly and sensitively, open a dialogue with the associate

about his or her experiences, questions, and concerns, and help the associate understand and act on the evaluation.

6. **The firm periodically reexamines and updates its evaluation criteria and process with input from associates.** Over time work changes, expectations change, and eventually even the best appraisal system loses relevance. At least every five years, firms should take a hard look at their systems and determine whether minor tweaking or a major overhaul is in order.

These six features can dispel the very real concerns of supervisors outlined above. In combination, they give supervisors confidence in the legitimacy of the evaluation process, the quality of their own input to it, the real value their input will provide to associates, and the constructive nature of the overall message associates will receive. Ultimately, because the system is so good and so highly valued, it becomes unthinkable for supervisors *not* to provide the candid performance assessments and detailed feedback that are so critical to associates' professional development.

[We first published this article in April 1999.]



(Editor's Note: This column highlights best practices and new approaches to common challenges of in-house training managers. We invite your comments and your suggestions for future articles. You can reach us at (703) 719-7030 or maraeg@profdev.com.)

Evaluating Training

Evaluating training is like flossing: We know it would be good for us, but we're busy and there are always so many, much more urgent things to do. And nobody higher up is pressing us to do it. So evaluations get done perfunctorily -- perhaps only because some CLE Board requires them -- if at all.

Why Evaluate Training?

Why evaluate your training sessions? For at least three good reasons:

1. **Quality control.** To make sure training is fulfilling its purpose, it's important to keep your finger on how
2. **On-going needs assessment.** Your thorough front-end needs assessment (you did one, didn't you?) told

things are going: Whether the intended learning is actually taking place; whether particular courses and faculty should be continued or changed; and whether our processes for developing and/or selecting instructors and course contents and formats are working as well as they should. Some training administrators have carried on for years with ineffective programming because they didn't evaluate it, just assumed it must be OK because they heard no complaints (junior lawyers in particular are unlikely to complain).

you what training needed to be done. Evaluations will keep you posted on whether the program is still on target, or whether needs are changing. Evaluations can also tell you whether related, follow-up programming or other support on a particular topic would be worthwhile. At one firm, evaluators of a time management program suggested buying an off-the-shelf calendaring tool praised by a faculty member; the firm subsequently negotiated a quantity discount and made it available firm-wide with good results.

3. **Validation.** Looking for evidence that your training program is actually making a difference? Want to show upper management that your training budget is a wise investment, even in belt-tightening times? You can build a solid case with a systematic evaluation program.

How to Evaluate

The best way to build a comprehensive and credible information base is to collect evaluation data from a variety of sources on a regular basis. The best way to manage the work involved is to delegate it to a computer. The computer can't take the place of human judgment (thank goodness!) in deciding how to interpret the data and what to do about it, but it can eliminate the donkey work of collecting and compiling the data and free you for the tasks that do require judgment.

Some of the best sources of training evaluations in a law office:

The participants. In firms that do collect evaluations, training participants are often the only source of feedback used. Certainly participants can provide valuable information about training, especially if we ask the right questions. It also helps to keep the list of questions short. Some questions you might ask:

“To what extent did this workshop cover what you needed to learn about the subject?”

“How effective was this instructor in facilitating your learning of the subject matter?”

“How much of what you learned in the workshop will you be able to apply on the job?”

The above closed-ended questions, which can be answered by checking a rating or stating a percentage, are much easier to compile and analyze (whether by computer or manually) than open-ended questions such as, “What were the most interesting things you learned in this workshop?” But don't neglect comments altogether – they can provide your most thoughtful and persuasive feedback, and they can raise issues that your pre-designed

questions didn't anticipate. It's also a good idea, assuming the evaluations are written, to talk with one or more participants in each program to get additional feedback. This keeps people reminded to take their evaluations seriously because you do; it also confirms whether they really are taking them seriously.

The instructors. A lot of factors can affect instructors' ability to perform at their best. Instructors can also give you wonderful ideas for improving program effectiveness. Did the instructor receive adequate advance information and receive it in enough time to be fully prepared? Were the room and the equipment set up properly? Did the participants come prepared and on time, engage fully, and stay to the end? Were issues raised in the program that call for changes in the content or format, for better advance communication or better supporting materials, or for follow-up activities? A conversation or a feedback form can obtain this information.

Performance evaluations. I haven't noticed law firms doing pre-tests and post-tests, as is popular in corporate training, to show how much participants have learned from a course. But comparing “before” and “after” performance evaluations can show not only that they learned, but that the learning translated into improved job performance. If, for example, you can show that the upward evaluation scores of partners who received executive coaching rose significantly after the coaching, that's a pretty good sign the coaching program is effective. The same would be true for the writing scores of associates who took a writing program, or the organizational skills ratings of associates who took a time management program. In the worst case, if the firm's performance evaluations are not accessible or not useful, you can poll supervisors or subordinates of the people who took the training.

Other internal data sources. Exit interviews, attrition/retention data, writeoffs, client and alumni surveys, time and billing data, revenue and cost data – all these can provide feedback and validation for training. Think about what information the firm is already collecting and how you can mine it for precious nuggets. Collect anecdotes and opinions as well as quantitative information – never underestimate the power of a good story.

External data sources. Keep an eye out for other possible sources of training feedback. One lawyer signed up for an in-house speaking course after receiving poor evaluations on a bar conference presentation. At the next conference she was one of the top-rated speakers. Her “before” and “after” conference evaluations made a powerful case for the value of the training.

If your training program is making a difference, you deserve to know about it and to have the firm know about it as well. If it is not, the sooner you know what the problems are, the faster you can fix them. Either way, a good evaluation program will enhance your performance,

your reputation, and the effectiveness of your training program.

– Gaye Mara

Professional Developments

The **Spring Conference Season** is upon us. Events of interest:

- ✿ February 18-20, Atlanta: Training 2002 Conference & Expo. (See our November issue for details, or visit www.vnulearning.com.)
- ✿ March 1-2, Atlanta: Spring Meeting of the Professional Development Consortium. Open to members only. For membership information, contact Mark Cowing, Membership Chair, mcowing@shb.com.
- ✿ April 8-11, Washington, DC: The technology-oriented E-Learning Conference & Expo boasts over 130 sessions. A conference brochure was not available before we went to press. Check www.elearningexpos.com for information.
- ✿ April 10-13, Kansas City: The 2002 Annual Education Conference of the National Association for Law Placement. Program tracks on Associate Development, Diversity, and Management Skills may interest professional development administrators. On the afternoon of April 11, past PDQ contributor Valerie Fitch of Pillsbury Winthrop will speak on “Best Practices for Associate Retention and Development”, and PDQ’s editor, Gaye Mara, will discuss “Developing Partners’ Supervisory Skills Through Upward Evaluations.” \$125-550 one day; \$350-1400 full conference. Contact NALP, phone (202) 835-1001, Fax (202) 835-1112, E-mail info@nalp.org, or visit the NALP web site, www.nalp.org, for more information.
- ✿ April 21-25, Dallas: International Society for Performance Improvement (ISPI) Annual Conference. Visit www.ispi.org or call (202) 408-7969.
- ✿ June 2-6, New Orleans: American Society for Training and Development (ASTD) International Conference and Exposition. (703) 683-8100 or www.astd.org.

NITA Teacher Training. The National Institute for Trial Advocacy will teach lawyers how to use the NITA teaching methodology in its Advocacy Teacher Training program at Harvard Law School on February 22-24. Tuition is \$995 and CLE credit is available. Contact NITA, 800-225-6482, www.nita.org.

CyberLearning Courses. The Smithsonian Institution and U.S. Open University have collaborated to produce a new curriculum of 8-week online courses. The first two courses start March 4: “Learning in Cyberspace” to familiarize novices with online learning tools, and “Story of the Internet” to explain the origin, evolution, and underlying principles of the Internet. \$195/245 each course. Contact The Smithsonian Associates, (202) 357-3030 or www.ResidentAssociates.org/USOpen.

New publications from the National Association for Law Placement: (www.nalp.org or 202-835-1001):

- *Developing Legal Talent: Best Practices in Professional Development for Law Firms.* This is a 251-page compilation of articles by Ida Abbott, management consultant and former Heller, Ehrman litigation partner, on a range of law office professional development topics including training, building trust in the law firm, improving lawyers’ interpersonal skills, diversity, mentoring, increasing retention, and more. \$28/35.
- *Managing Law Firm Recruitment and Retention in a Downturn.* This NALP Foundation white paper digests the advice and best practices of practitioners, administrators, and consultants in three sections: Managing present capacity and planning for the future, Managing a reduction in force, and Rebuilding the firm and its morale. Each section concludes with a checklist summary of practices. An appendix contains sample materials for managing lawyer departures. \$85/125.

MCLE Watch

The **New York** CLE Board has revised its CLE requirements effective January 15, 2002. Two provisions in the new rules are the subject of controversy:

- prohibition of CLE credit for lawyers who are repeating a course, and
- prohibition of CLE credit for partial attendance at a course.

Apparently the latter provision results from incidents where lawyers needing to fill a half hour of credit, for example, would claim it for sitting in on 30 minutes of a half-day program. In-house training managers have objected that the new rules deny credit to lawyers who seek to update their competence by taking refresher courses, or who may arrive late or take a short break from a in-house course to deal with an emergency. The new rules are published online at www.courts.state.ny.us/Regsrevisions.11.07.01.toprintship2.pdf.

Pennsylvania has a new fee schedule for CLE providers effective January 1:

- \$250 application fee to become an approved Pennsylvania provider
- \$250 renewal fee for providers who file paper reports
- \$100 renewal fee for providers who report electronically

Renewal fees are paid every two years. See www.pacle.com/whatsnew.htm for additional details.

Texas has also made some changes as of January 1: Bar members must not only complete their CLE credits, but must record them in their MCLE records at the Bar, by the last day of their birth month to avoid automatic assessment of a non-compliance fee. Non-compliance fees have been raised; the minimum fee is \$100. An explanation of the new rules and a link to the full text can be found at www.texasbar.com/newsinfo/aboutstatebar/barrules/Notice.asp.

The Capital CLE Calendar

Volume 8, No. 5 ■ February 1, 2002

How to Read This Schedule: The following schedule lists, first by topic and then by date, live continuing legal education (CLE) courses offered in the greater Washington, D.C. area on and after February 1, 2002. Live distance programs are identified by the following symbols just after the date:

- ★ Satellite broadcast or video conference
- ☎ Telephone seminar
- On-line seminar

All courses are given in Washington, D.C. unless otherwise indicated. If available, the beginning and ending times, tuition fee, and any pre-approved mandatory or minimum CLE (MCLE) credit hours are given (the latter in brackets at the end of the listing). Please note that MCLE credit requirements vary by state and credit arrangements vary by course and provider, so be sure to confirm in advance with the course sponsor or appropriate CLE Board whether and how any needed credits are obtainable.

Course Sponsors. Contact information for the sponsoring organizations follows the course schedule. (If a program has multiple sponsors, the one listed first is the primary contact.) More detailed information on the courses in this schedule is available from the course sponsors.

Registration and Fees. Most course sponsors will fax brochures and registration forms on request and will accept credit card registrations by phone, fax, or on the Internet. Many discount registration fees for members (in the case of membership organizations), for government and public interest lawyers, or for early registration, multiple registrants, or multiple courses for the same registrant. Some permit registration at the door for an additional charge. For some courses, however, especially those noted as "limited enrollment," advance registration and payment may be required.

Materials. Most providers sell their course materials separately. These may offer the most comprehensive and up-to-date survey of the law on a given topic that is currently available.

Additional Courses. Visit our website at <http://www.profdev.com/courses.htm> for a listing of current, local CLE courses announced after this issue went to press. To find courses offered outside the local area by major national providers, visit our page of links to their sites, <http://www.profdev.com/links.htm>.