

Surviving a Bad Performance Review

By Jamie Barnes

Many lawyers, doctors, and other professionals prefer to think of themselves as in business for themselves, mere group to provide office space, support services, and occasional camaraderie. This assumed sense of personal independence undergoes a rude awakening when a senior partner calls you into his/her office to detail for you, without your asking, are perceived. Some of the thoughts that may go through your head at a time like this are: "Just who the hell is he/she judging me?" "All that negative stuff has been coming from X, who has been talking behind my back. I knew I could count on him/her." "He/She acted as if he/she thought I was pretty cool. Now the truth comes out!" "I feel dirty. I am neither as bad as they say." "Why is all this ancient stuff being dredged up and thrown in my face?" Recognize yourself if you have had similar feelings? It is normal. By understanding anyone's normal self-centered and defensive reaction to being criticized and realizing that your feelings are automatically programmed to respond self-protectively in such situations, you win half the battle, because with understanding can come a modicum of control.

You can't avoid professional criticism. You may have strong opinions as to the innate fairness of the appraisal process. You may be unfairly damaged and have documents to prove it. You may be thinking that you've been criticized for stuff that happened months ago and is no longer relevant. Regardless, the criticism hurts and remains lethal as long as it sits in some partner's drawer, already signed off on by other partners. Well, if you've ever felt a performance-review process, you're not alone. Such heart-to-heart talks trouble everybody. [What you need is a strategy to deal with performance appraisals.](#) Otherwise, they can drive you nuts.

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Then there is this alarming news: As law firms continue to be operated more like businesses (as being run like private men's clubs), the performance appraisal becomes an important tool for weeding people out and identifying top performers. According to Ellen Wayne of the *New York Law Journal*, "[Evaluations have taken on a form they never had before](#). Associates are not only judged on the basis of their work skills and performance targets, but also on the added anxiety that termination could be the result of a less-than-glowing review."

Most of us would agree that some sort of evaluation system is needed for evaluation.

The problem is how to construct a system certifiably free of bias. This may be impossible. Evaluation systems are created by humans, and humans are fallible. Furthermore, it is difficult, if not impossible, to categorize and quantify the quality of work. It is difficult to identify perfection in professions such as the law, meaning billable hours alone do not tell the tale. There is some "partner potential," which remains both on the appraiser's mind and on yours. How does one evaluate that?

Let's deal first with the emotions that surface any time you receive a performance appraisal. Unless these emotions are understood and contained by you at the start, a rational discussion of the performance appraisal as an institution and how you can successfully deal with it cannot take place.

Reason Versus the Emotional Self

Nothing is more threatening to one's inviolable sense of self and its importance than to have a relative stranger say

dissect you both professionally and personally. First of all, the mere fact of delivering the appraisal solidifies that superior rank. This relative stranger also is acting summarily as judge and jury, dispassionately (hopefully) enumerating strengths, faults, successes, and failures and summarizing all this with either a thumbs up or thumbs down that leaves you euphoric, confused, or devastated. Even when an appraisal is flattering, there remains an uncomfortable edge to it. You may wonder why you feel so uneasy and perhaps even embarrassed. Such a reaction is driven by your knowledge that no one can know you as you do; nor can anyone else understand what you were going through when you wrote the appraisal. You said Z.

To further muddy the waters, performance reviews can often be subjective. They may reflect group consensus or be driven by personal spite and used to settle personal scores. At times, it can all seem like a heroic performance against all odds during recessionary times can be considered inadequate; an average performance during spectacular economic times can be considered superior. All of this can make performance appraisals uncomfortable to contemplate, difficult to suffer, and almost impossible to trust. Now that this has been said, let's examine the other side of the equation, the appraisal rationale. We'll briefly discuss this and end with adaptive strategies you can employ to weather the stress and get on with the job. Now that this has been said, let's examine the other side of the equation -the appraisal rationale. We'll briefly discuss this and end with adaptive strategies you can employ to weather the stress and get on with the job.

The Appraisal Rationale

Talk to law firm partners, and they will tell you that many positive outcomes can be derived from performance appraisals among them (1) meaningful feedback, (2) improved inter-firm communication, (3) maintenance of standards, and (4) career planning. Not all of these claims can be fulfilled all of the time. Some are code for firm agendas the individual may or may not pick up on. Let's examine each of these suggested outcomes more fully so that you can understand what exists and what traps they may conceal.

"...identify 5 to 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 define what a lawyer must do to demonstrate that quality. For example, one component might be 'attention to detail': is the lawyer tenacious in completing complex and multifaceted tasks; work product is neat and free of errors."

Meaningful feedback: The idea here is that if you know what more experienced others think of your work, you can conclude about you personally, you'll want to mold yourself into what is expected; and parenthetically, if you don't mold yourself into this image, you'll leave. Either way, the firm benefits. In this instance, the performance appraisal is not a tool for generating conformity and weeding out misfits. Before you raise a cry of outrage, think about this a moment. It is not to turn you into a Stepford Wife. You can be a cross-dresser outside work and secretly pull the wings off of a butterfly; nobody cares. The purpose is to encourage you to become part of a team while at work and not a planet circling a distant star. On your own, you can be as countercultural as you wish, unless, of course, you bring unfavorable publicity to yourself and your firm. Do that, and you're likely to hear about it on your next performance appraisal, if not before.

Improved communication: This is a dubious claim. It can happen, but frequently, the opposite occurs: misunderstandings are generated. Yet, if lawyers can be convinced that the system is unbiased and the appraisal process conducted dispassionately, the occasional bad feeling will not become part of a rising chorus of smoldering discontent. The countering missing here, and it ought to be mentioned, is discretion. Rather than create improved communication, which sounds like a nice corporate speak, the goal of the appraisal process should be to remain confidential-a private summing up between appraiser and appraised that hopefully clears the air, establishes baselines for future on-the-job conduct, and sets the agenda for a less fractious future.

Maintenance of Standards: Hard to argue with this one. A firm has a right to set standards, and it has a right to expect you to adhere to them. The problem comes when these standards are not clear at the start. In an article on performance appraisal in the March 17, 2003, edition of the *Los Angeles Daily Journal*, which specializes in local news, the writer, consultant Ida Abbott, advises any law firm to first assess the competencies desired and then:

What Abbot does not address is this: A subjective judgment is still required because everyone screws up, and everyone's screw-ups are equal. What needs to be judged is the importance of the screw-up. Did it cause the loss of millions of dollars in revenue, or, say, was the mistake made on a will and trust that had no substantive effect on the efficacy of the document? The [firm culture](#) and its guardians must decide. They may disagree among themselves, but eventually must reach a consensus.

That is how the appraisal process works. Thus, note that even the consensus judgment handed down to you on may be a matter of dispute among the partners. The fact that there was internal disagreement will most likely not your appraisal, although it may be hinted at during your person-to-person interview.

Facilitates Career Planning: This is corpspeak for "Am I partner material?" The whole purpose for m slaving away at their jobs and conforming to firm production and decorum standards is to eventually grab the me brass ring, a partnership. If you achieve that, you think, you truly can be considered your own business, your ow with control over your own destiny. Again, there is some deception involved in any process that purports to outlin qualities and performance level needed to make partner. Let's say that you are nice to your mother; don't smoke, frequent hookers; don't beat your kids; are still happily married to your original spouse; and are punctilious in yo attendance of religious services. You have worked your way onto the boards of some small corporations. You ar suburb's council members. You have brought in new business, and you bill an ungodly number of hours. Sadly, all these qualifications and still have your partnership delayed if, say, existing partners do not retire when they sa your firm has financial problems, or a new partner arrives from somewhere else, accompanied by several big-tim margin clients.

Okay, So the Appraisal Process is Not Perfect! How Do I Proceed? *Your first batt fight with yourself.* As we have said, you are emotionally predisposed and programmed to protect yourself from b especially if through your actions, you caused the bad news to happen. Your mind will deliberately rationalize yo will attribute them to events beyond your control. It may even shift blame to others. In short, your brain will do alm to avoid confronting the truth of your own error. So your first job is to confront this aspect of yourself and attempt t Easier said than done, right? Well, awareness is half the battle. When you make a mistake, go ahead and rationa want, but allow part of your brain to recognize it for what it was, a blunder. *Start with prevention. Where attorneys themselves in needless difficulty is in not owning up to mistakes.* Most mistakes can be fixed quickly. If you find y the same type of mistake over and over, you need to be on the outlook for this predilection. Then your brain can : fail-safe mechanisms to guard against similar future mistakes *Learn the system.* Every firm has its idiosyncrasies in your firm, what is considered a respectable amount of billable hours? Are partners down in the trenches with a do they have a tendency to remain aloof? How is work assigned? How is it evaluated? If you get in the flow suffici operate automatically, then the aspects of the system that seem petty or unnecessary will eventually be forgotten *feedback.* But don't do so too often. Don't go running into a supervising partner or [senior associate](#) every three or ask "How am I doing?" Your insecurity will soon cause irritation, and you will look like a whiner and not a take-ch individual. Instead, choose quiet times, outside the office if necessary, to ask the assessment of someone senior trust. There are good and bad ways to do this. A bad way might go like this:

You: Well, how am I doing? Partner: What do you mean? You: You know, my work performance. Is it okay? In yo I partner material? What does the bonus situation look like this year? How much do you think I will get? Here's what you did wrong in this conversation. First, you put the partner on the spot. You did not give him/her er reflectively respond to your first question before you asked the second question. As for the second question, if yo been with the firm a few years, there may be no way of telling if you are or are not partner material. True, impress you have begun to form. But those impressions can and will change over time. So the first piece of advice is to av about partnerships.

Instead, keep your questions specific to a particular assignment or series of assignments. This is only reasonable term decision regarding your competency and partnership potential is the result of many private discussions by c eventually result in a consensus after a period of years. A better way to inquire about your performance might go You: Do you think I did okay on the Laughingbod case? I'm only asking because I respect your opinion, and your only be helpful. (Pause)

Partner: I thought you did okay. (Pause) You might edit your stuff a little more carefully before turning it in. You w persuasively, and I've complimented you on your citations, and you're great at meeting deadlines, but as you kno pointed out some problems from time to time, not serious, you understand, but an indication that your language c tightening. I'll work with you on this. It was a problem I also had when I first started working here. I had to learn ho did things. I might add that others have noted how well you handle the client. You're very relaxed and profession

heard a lot of favorable comments.

You: Thanks. Now, about the Laughingbod Case. I next plan to.....etc.

Here's What You did right in this conversation.(1) You asked for advice, which flatters the potential advice giver. (2) You did not bombard him/her with additional questions. You asked an open-ended question that gave the other person wide latitude to respond. (3) You got the advice giver to point out problems; but more important strategically, you got him/her to work with you in working on the problem. You moved the advice giver into your corner as a helper/facilitator. (4) Finally, you did not become a pain in the ass by dwelling on the subject. You moved on, allowing the supervising attorney to do the same. The above hypothetical conversation may or may not be difficult to replicate. It suggests an already comfortable relationship between supervising lawyer and associate; but a loose approximation of such a discussion can be conducted with a supervising attorney as long as you remember to keep your question simple, open-ended, and focused on a specific task or tasks. Your supervisor will Get a supervisory attorney to take some responsibility for your development. This does not mean mentoring in the traditional sense of the word. You're merely asking for an occasional on-the-job critique from someone who may even be busy with his/her own work. You cannot ask for this directly, but only hope that it is offered. If it is, this person could eventually evolve into your

Constantly evaluate yourself. The first and most important question you must ask is "Would I want to work for me or for me?" You can decide this by asking such questions as "Do partners, other associates, or people in the office avoid me? If so, why? Am I brusque in my professional dealings? Do I complain a lot? Do I pick arguments? Do I not say thank you when somebody goes out of his/her way or does something nice for me? Am I absent more than I should be? Do I fail to return calls promptly?"

Being aware of others is often difficult when we have spent all of our lives focusing on ourselves, with our noses buried in work with one test hurdle after another always staring us in the face. But the truth is, in a work environment, it is all about interpersonal relationships. You don't have to turn yourself into a back-slapping life of the party, but you need to be skillful socially when at the office. You may arbitrarily dismiss such social niceties as office politics. But the fact of the matter is that all work life involves human interaction, and all of human interaction is political in the sense that to work and to get along we must make accommodations and compromises in order to get along.

Periodically, force yourself to evaluate your social interactions. What aspect of the work environment can you manage better? Which relationships seem to be working best? Why might that be? Do these relationships work solely because you genuinely like these particular individuals? Because you share some interest, no matter how small? Or is it because you take the time to recognize them as unique individuals?

Proactively, always find something about somebody else to compliment, but do so judiciously. Don't just make up compliments. The compliment has to be sincerely felt or noticed, or the other person will likely intuit your deception and react unfavorably to you. Monitor yourself to see if you are walking around looking distracted or unpleasant. If you are, a smile can fix that. Even if you are boiling inside. In an article in *JD Jungle*, the author (anonymous) comments as follows:

"Success at a law firm is about human relationships," says Peter Sloan, a career development partner at Kansas City, Mo.-based Blackwell Sanders. Every time you meet someone new-a partner, another first-year, your secretary-smile. Introduce yourself. Take the time to ask the person a bit about him/herself. Be the kind of person people like to work with, says Sloan. Lay the groundwork for the relationships you'll need to get ahead."

Sloan makes smiling sound like a cynical career move, but it is more than that. It may not help you get ahead, as much as you want, but smiling can reshape your approach to work, to your fellow lawyers, and to life in general. Like physical exercise, smiling is necessary for a healthy existence. So look upon smiling as producing multiple benefits, some of which may be the least likely to like you better and be more disposed to giving you a break.

Conclusion

You cannot avoid performance appraisals. Even partners get appraisals. You will be evaluated in one form or another throughout your working life. Since you cannot avoid the process, it is better that you manage it as best you can. You must find a way to control your emotions. This is the toughest part. Secondly, you must identify and establish a comfortable feedback relationship with those responsible for judging you. This means getting constant feedback without having to ask for it; which in turn

establishing the kind of open and eager-to-improve attitude that permits criticism, which also has much to do with your emotions. Finally, your task is to get supervising attorneys ready to help you improve, which starts with your all suggestions. If you can do most, if not all, of this, you likely won't be "blindsided" at appraisal time. So good luck a while to think about what you've just read. Try to dispassionately analyze your current work attitude towards your associates, the partners, the support staff, and your attitude towards yourself. Some of the changes in this article fitting the first few weeks you try them; but none of them-smiling more, saying thank you when appropriate, controlling negative emotions-will seriously compromise your individuality. Instead, you'll find your work easier and the dreaded performance appraisal easier to digest.