
Summary: Nobody likes to be criticized, but law firm performance reviews are part of working at a law firm. Here’s how to get the most out of every review you get.

The thought of being evaluated probably makes your skin crawl. That's understandable. Evaluations are far more likely to focus on things you’re not doing well than things you’re getting right. They’re a form of criticism, and who likes that?

Well, I'm not telling you that an evaluation is something that's organically likeable. But if you prep yourself appropriately, you can use evaluations to identify yourself as a star in the making, even if the evaluation is heavily negative. "What?" you're thinking. "That's not possible!" Sure it is. It may not be obvious, but a lot of what's going on in an evaluation is this: Do you have what it takes to become great? You're probably thinking that your "raw material" is your oral advocacy skill or your writing ability, but that's only partially true. What really determines if you get ahead is whether or not people view you as capable of taking direction to hone the skills you have. Nobody graduates from law school as a fully-functioning professional. You need to be able to respond to guidance in order to get there. And the place where people are most able to gauge your ability to do that is when you're being criticized, whether in an evaluation or anywhere else. There's an old quote that goes, "It's not until the tide goes out that you can see who's not wearing a bathing suit." When people are patting you on the back for your great grades or passing the bar or doing a good job--that's the easy part. But it's not where people judge you the most. It's when they're telling you, "Here's something you need to improve ..." or "You don't do this as well as you could." That's where they'll make up their minds about you. In this article, we'll talk about how you handle a situation where you're under fire so that you come out making people think even more of you than they did before. It is possible. And you’re going to do it!

See the following articles for more information:
How to Survive a Bad Performance Appraisal, Part 1
Tips on How to Survive a Bad Performance Appraisal, Part 2

Incidentally, what we'll be focusing on here are evaluations.

What you need to do before--and in between--evaluations.

As soon as you start, ask for a copy of the criteria on which you'll be reviewed--including how bonuses are determined.

It's crucial that you know ahead of time how it is that you'll be evaluated. Why? It's hard to aim for a target you can't see! As one Chicago attorney says, "What surprises people is that they're being evaluated on things they didn't anticipate. At a large firm, you're judged on your oral skills even if you don't spend time in court. And you're evaluated on relationships with attorneys and staff." It's fairly obvious that if you spend a substantial amount of time on research and writing assignments that you'll be evaluated on your research and writing skills and billables. But they'll also look at your ability to meet deadlines, and your willingness to take on work and to work late. As one Las Vegas attorney points out, "It's easy to be wrong about the review criteria. You may think it's billables whereas it's actually the files you close."

You also want to pay attention to bonus criteria. The basis on which your employer awards bonuses tells you a lot about what they really value. If they talk pro bono but they reward straight billables, you’d be foolish not to pay attention to that. (I'm not saying not to do pro bono--I'm just saying, pay attention to what your deal is!) If
they include pro bono, recruiting activities, or administrative functions in bonus considerations— that's good to know, too.

As you gain more experience with your employer, you'll find that the evaluation criteria will change. They'll expect you to take on more responsibility. Keeping an eye on what you're supposed to be doing, at every step along the way, will ensure that you're never caught off-guard.

If your employer doesn't have set review criteria, sit down and agree with your employer on what they ought to be.

As a Dorsey & Whitney attorney says, "Sit down with your employer and settle on what your review criteria will be, if they don't have set reviews. Set some goals, so that you'll be able to say, 'Over the next six months this is what I'll be reviewed on—my ability to handle projects, my writing skills,' maybe later on client development and supervisory skills. Agree on them ahead of time so they seem fair to you!"

If you've been at work for six months without a review, ask for one.

As one Mountain View, California attorney says, "There aren't any exams at work. At school, at the end of the semester, you have some idea of how you're doing. But at work, if you're not reviewed, you don't. If you go for six months without anybody mentioning a review, ask for one!" One lawyer talked about going into his supervisor's office after six months and asking, "Isn't it time for me to be reviewed? I've been here for a few months. I want to know how I'm doing." The supervisor responded, "You're doing great! If something was wrong, believe me, we'd let you know." The lawyer comments, "I was relieved, but asking was the safest thing to do. Silence can go both ways!"

Keep track of your accomplishments and every compliment you've received on your work, written or oral. Close track.

There are two reasons for this. Number one, it's good for your resume. I know you've just started this job, but you always have to keep one eye toward the future. And number two, as one Chicago attorney points out, "You can't assume that they know what you've done!"

So what do you want to chronicle? You need:

- Every project on which you work (and resolutions of cases you handle if you're a litigator);
- Any special matters you handle (e.g., recruiting, administrative works, helping with articles or speeches, writing your own articles or speeches, pro bono [especially if your employer values it]);
- Any time you stepped up to the plate to help somebody else (e.g., staying for the weekend at the office to help others with a closing or any other pressing matter);
- Any interim feedback you receive, both written and oral. Jot down comments that are made to you about your work, whether it's from partners, colleagues, clients, or secretaries.

What you want to do is to keep all of this material in a notebook or folder, so that when you go into your evaluation, you have support material with you. You're not being defensive when you do this; you're being smart.

SMART HUMAN TRICK

Junior associate at a large firm. He writes a memo for a securities partner, and when he gets it back, he sees that the partner has written on it: "I couldn't have done better myself." When a midlevel associate sees this, he says, "That's a kiss from God. Take it into your review with you!"
Actively seek out opportunities to get the experience on which you'll be judged. If you're unsuccessful, document your attempt.

When you're reviewed, particularly at a large firm, you'll be judged according to how you are progressing in comparison with "your class"—that is, people with the same amount of experience as you. Many times new lawyers are stung by being told that "You're behind your class." Don't let that happen to you! I've already told you to be familiar with the review criteria. Take those criteria and ask for the opportunity to do the work you're supposed to be doing at your "level." That way, you can't possibly be criticized for not having that experience. If you asked for it and you were turned down, you've done everything you could do!

SMART HUMAN TRICK

Mid-level litigation associate, large firm: "Sometimes, especially as a woman, you might find that you're not getting the juiciest work. You're put on cases where you can't develop. No hearings or client contact, no depositions. At review, they'll tell you, 'You're behind your class,' and deny you a bonus or a promotion. 'Your work product is wonderful but you haven't done A and B and C.' They're weeding you out of the system! What I do is to make a point of going to my partners three times a year, and ask for involvement, so I don't get burned at evaluation time. I know what they're going to evaluate me on, and I make sure I ask for those experiences. I keep track of the experience I get and the experiences I ask for and don't get, and I take that with me into my reviews. During one review, my partner said, 'You've had less deposition experience and you've gone to fewer hearings than other people in your class.' I pulled out my notepad and said, 'On this date I asked you for this and this and this and instead of being given those, I was assigned to these other cases. I am not yet in charge of my caseload. I'm not a rainmaker yet. I get the cases to which I'm assigned. On this date I approached Partner X looking for practical experience, and when you found out you were angry about it.' His jaw just dropped to the floor. After that, he made sure I got the opportunities I needed."

Don't assume that everyone with something good to say will tell your reviewers.

It's easy to think, "Well, partner so-and-so loves me, I'll look great in my review." That's only true if that particular partner's opinion is included in the review! As one Memphis attorney points out, "In lots of firms, the practice is for reviewers to send out surveys to partners, asking for feedback about you. Some respond and some don't. You can't count on the responses!" So if someone has loved what you've done, go before your evaluation and ask discreetly if they've filled out a review for you. You want as many arrows in your quiver as you can get.

Always keep your finger on the pulse of how you're doing. Evaluations should not be a surprise!

When you get reviewed, they shouldn't say anything to you that comes as a shock. As Harvard's Mark Weber says, "A review time should never be the time when you sit there with your mouth agog!"

You need to get feedback on everything you do. If you spot problems along the way, you can correct them before they turn into a bad review. Don't let your evaluation be a cold splash of water!

Before you walk into your review, tell yourself things that will make the review easier.

In his book Emotional Intelligence at Work, Hendrie Weisinger tells you to prepare statements ahead of time to tell yourself in stressful situations. "I'll ask for specific examples of what I need to improve on," "I'll learn from criticisms I get how to be a better lawyer," "I've done good work," "I'll remember positives as well as
negatives." If you make a point of telling yourself comments like this, you can make sure that your reactions in the review are appropriate.

See Law Firm Performance Reviews: Positive and Negative for more information.

How to handle yourself during the review. Take a deep breath ...

Remain calm.

Remember, people can't see how you feel. They only see how you behave. A review is a stressful situation for anybody. Your reviewers themselves aren't happy when they're being reviewed, either. But nobody has to know how you really feel. Take deep breaths. No matter what they say, I'll show you how to handle it. To the extent you can--relax!

Remember that what you're hearing are learning tools, not personal judgments.

Anytime you receive criticism, whether it's in an evaluation or anywhere else, remember that the only way to improve is to take the kernels of truth in criticism and make changes in what you do! Yes, it stings. But if you never in your life took any criticism well, you wouldn't be feeding yourself or dressing yourself or making your bed, let alone doing a good job at work. Put criticism in perspective. It's hard to accept when you're hearing it, but criticism really does make you better. As one lawyer commented, "Criticism is designed to make you better. It's not there to break you down as a lawyer!" Remember that when you're on the spot!

Remember that what's going on isn't a search for the "truth." It's a collection of perceptions about you. Important perceptions.

If you get a review that says, "Your writing skills are not up to par," that doesn't mean that there's anything wrong with your writing skills. What it's really saying is, "The work product that you've turned into us here at the office isn't what we expected." It says nothing about what you're personally capable of accomplishing or what you might do in future. It's got no predictive value. It's just a snapshot of someone's opinion right now.

You need to know the source of any negative comments.

Evaluations are different from employer to employer. Some reviewers sign their comments, and others don't. Some reviews are totally oral. At others, the reviewers will read to you from evaluation forms.

Everybody agrees that no matter whether the reviews are oral or written, you have to know the source of negative comments. As one Ann Arbor, Michigan attorney says, "If you don't know who said what, there's no accountability and no way for you to respond. You need the opportunity to sit down with people who say things about you, good and bad. Otherwise, you suspect everybody, and you don't know which projects you've done well and which you haven't!"

It may be that you ask to see the written reviews, and the reviewer won't show them to you. Not a good sign! As the partner at one firm says, "If an attorney won't let you see the review, you probably didn't want to see it in the first place." Reassure the reviewer that you're not worried about what's said about you--you want to improve, and that means hearing everything, good, bad, or ugly. It's worth a shot!

When you hear criticism--and you will--don't whine, complain, challenge, get defensive, or cry. If you do--you're through.

The reason I gave you the "self-talk" to use before you walk into an evaluation is that you're going to need it. Remember--they're watching you closely to see how you handle criticism. It's one of the toughest challenges
you face as a new lawyer. Stay calm and collected. One Sacramento attorney says, "Remember the three R's: reserved, respectful, responsive." The hiring partner at one large firm advises that you "Show them that you get it, that you understand there's an issue and you want to improve. If you've done some good projects, bring them in with you, and when they criticize you about something else, pull out your good projects and say, 'I did well here--what did I do wrong over here? Did I go too far or not far enough?' Show them that you care and that you want to do better! If you react poorly, you're done. Even if you're right, who cares? It's all about perceptions." Hodgson Russ' Adam Perry adds, "When you get criticized, soak it up and enjoy it. There's always a way to isolate and get rid of someone who's defensive."

**CAREER LIMITING MOVE**

In response to a verbal lashing about poor billable hours from a managing partner at a major New York firm, a first year associate offered the following defense: "But Sir, I think the real problem is that my skills would be better utilized doing rainmaking."

**SMART HUMAN TRICK**

Mid-level associate, large West Coast firm: "My performance evaluations as a litigator were getting so that I knew I wouldn't make partner. It wasn't as though they were saying 'Get rid of this guy, but there would always be some criticism about my not being aggressive enough, that I was too nice and laid-back to be a big firm litigator. I took the hint and asked for a transfer to corporate. In my next review, it was partially litigation and partially corporate. The leaders from both departments were there, so my brand-new corporate partner heard all the old criticisms. It was like a grand jury indictment! My new boss heard everything the old bosses said, a lot of petty, horrible stuff. I was horrified, but I didn't cry, I didn't get angry, I didn't throw a tantrum. I wanted to, but I didn't. I didn't squirm or fidget. When the old boss was done, I said calmly, 'I'm sorry they feel this way, this is what I did, I can understand their perspective, I'd like to point out that they did say good things about X and X and X.' Immediately after the review, my new section leader said to me, 'I thought you handled that review extremely well.' The way she said it, I could tell that she thought more of me for the way I handled it. It minimized what they said. Sometimes in your life you'll get unfair criticism. If you think it'll address the substance of your work or damage your career, then address it. If not, be elegant. Don't respond to carping. You want people to be able to say of you: 'He's a class act.'"

Don't ever, ever, ever whine, "But I did my best."

Doing your best matters to your mom and to God. It doesn't matter in reviews. If you screwed something up, the last thing you want to say is "Well, I did my best." Great! You did your best, and you got it wrong. The bottom line is, if you didn't get it right, you didn't do your best. You're capable of getting it right. Law isn't rocket science. Remember the line from the Sean Connery/Nicholas Cage movie The Rock. My friend Jody does a killer imitation of Sean Connery responding to Nicholas Cage's protest "But I did my best." "Your best?" Connery says. "Your best? Losers whine about their best. Winners go home and **** the prom queen."

Acknowledge and summarize the criticism you get.

Take responsibility for what you've done right away. That way, you won't sound defensive. "Yes, you're right, I missed that deadline."

Summarize what the reviewer said so that you avoid misunderstandings. If you say, "I want to make sure I have this right. You're saying that I didn't take enough initiative on X..." you're giving them an opportunity to revise any criticism. If you're going to take criticism and use it to improve yourself, you need to make sure you
Recognize the differences between the genders when it comes to communication.

As one partner in a major Midwestern law firm explains, "When a male partner is conducting a year-end review and asks, 'How do you feel about your job?' he may not be asking what the woman associate is hearing. For men, this is a 'How's it going?' kind of question, to which the response is, 'Oh, it's great' or 'I've really enjoyed my work on XYZ case.' To women, 'How do you feel' connotes a question about their emotional reaction to the job. They pour out their likes and dislikes (particular frustrations about the time pressures, lack of organization of assignments, and the like), and the partner looks increasingly perplexed and uncomfortable. Women leave the interview and say to their female colleagues, 'I could tell he didn't like what I was saying, but he asked me! I wasn't going to lie about it.' The partner considers the women at the firm as whiners, raising all of these issues for no reason." So don't view your review as the place for a general dump session on your employer. Focus on what you did, what they have to say about what you did, and save your more general complaints for other venues.

Always ask the reviewer for ways you can improve--even if you get praise!

Maybe your review will be one long handshake. "Well done! Well done!" That's terrific. Even if it's not a love fest--especially if it's not a love fest!--you need to ask the reviewer for ways to improve, and write them down. Criticism is meaningless if you can't take it and turn it around. If you ask for advice on improving, you're showing that you're taking criticism exactly the way you should take it, and the reviewer will take that as a huge positive. Also, for your next review, you can show how you've improved on what you were told last time around--and again, that kind of initiative is applauded!

If the criticism is unfair, tell the reviewer you'd like the opportunity to correct the record or explain your side of the story.

It may be that some of the criticism you get is flat-out unfair. Maybe the person who criticized you was just a jerk and is taking a strip of flesh from you just to be vindictive. One junior associate told me about a project he'd done where the assigning attorney asked him for cases in the jurisdiction supporting a particular proposition. He told him not to use Lexis or Westlaw, just do book research. It turns out there was an opinion that was too new to appear in the books, and it wasn't until a couple of weeks later that it showed up in a pocket part. In his review, the assigning attorney criticized the associate's research skills. Well, for pity's sake, that's just not fair, and it shouldn't be allowed to stand.

But you have to be careful about lashing out at unfair criticism. Instead, ask the reviewer if you can get together later in the day or perhaps tomorrow to go over the problem. Don't-- I repeat, don't-- express your feelings right there. You need some time to cool off and absorb what was said and get your thoughts together. When you get back together, have in writing your defense. And be sure to acknowledge any element of the criticism that was accurate, so you don't sound like you're being a whiny baby. Remember, this is about perceptions. You need to correct perceptions that aren't fair, but don't make the problem worse by the way that you go about it!

The morning after: What to do when the evaluation is over.

You can--and will--pick yourself up.

It doesn't matter how bad the review was, or how angry you are, or how unfair it was. They're just words. Check yourself for cuts and bruises. You won't find any. They're just people's perceptions, and you can change those. As one of my favorite sayings goes, you can't control being knocked down, but you do control
getting up again. You'll get over it!

If the review was oral, immediately write up a memo summarizing what was said.

One senior associate recommended that "If you get an oral review, send a memo back, saying, 'For my own career development, I want to make sure that I interpreted your comments accurately ...' and then repeat whatever they said. Firms try to protect themselves with oral rather than written evaluations. If the legal market turns bad, old reviews that were good will magically turn bad, and they'll deny it."

Change any negative perceptions of you!

Nobody's picture of you is beyond repair. Yes, first impressions count. But they don't count for everything. You know in your own life that you've changed your mind about people. It's always possible. Listen to what's said of you in evaluations, think about how you can go about changing negative perceptions, do it, and make sure the people who criticized you know that you're doing it. If you're accused of not getting your work done on time and not following up, then "Work as hard as you have to to make your deadlines, and leave copious e-mail and voice mail messages asking if there is 'anything else you can do,'" advises Denver's Jennifer Loud Ungar. If you're told that you don't exhibit leadership skills, then take on a co-chair position in a bar committee and invite your critic to one of the meetings. One lawyer told of how the managing partner had said in her review that "I mixed with staff members too much, that I needed to lunch with senior associates and partners."

"After that," she says, "I organized lunches every week with the firm, inviting partners and associates I liked, and the firm even paid for it! It was a great compromise. They saw me eating lunch with lawyers, and I still got to eat lunch with the people I wanted to eat lunch with pretty frequently. It was just that what they saw changed a lot."

Seek out people who criticized you in their evaluations, and thank them. And no--I haven't lost my mind.

Remember--the point of the whole exercise is to make yourself a better lawyer. People who criticize you are helping you do that. Don't vilify them. Thank them. Apart from anything else, they'll be blown away by your intestinal fortitude. Very few people have the guts to thank their critics. Be one of them!

SMART HUMAN TRICK

Female associate at a large firm. She'd been used to general praise, but at one particular evaluation, a partner for whom she'd done no work contributed his perception that she didn't take initiative and she worked too slowly. He had no rational basis for either comment. She said nothing at the evaluation, but as she says, "I was just seething. Afterwards I sat down with my mentor, and using choice words, I told him about it. I finished up by saying, 'What should I do about the son of a bitch?' He looked at me and said, 'Today, don't do anything. Calm down. Tomorrow morning, walk the hallways and find him, and thank him for taking the time to make those comments in your evaluation. And smile when you say it. Tell him that you want to be the best lawyer you can be and that you value his advice, and in the future when he sees areas where you can improve you hope he'll tell you directly.' I couldn't believe it. I said, 'But he's wrong.' He said, 'It doesn't matter. What he told you tells you how he sees you. He's powerful. If you're smart you'll try to change his impression. If you approach him you'll totally disarm him. Especially because he says you don't take the initiative.' I wasn't happy about it, but I went away and thought about it and realized I didn't have anything to lose." She laughs when she describes her critic's reaction: "He was totally in shock. He couldn't believe I'd taken it like this. He was speechless. The effect was unbelievable. He turned into one of my biggest fans, and I heard through the grapevine that he was saying glowing things about me behind my back. What's ironic is that nothing had really changed. Not really. My work was the same as it always was. But the way he perceived me did a 180."
See the following articles for more information:

- **Responding to Criticism: Survival Strategies**
- **Surviving a Bad Performance Review**