

Biting the Hand That Feedbacks You

“**W**hat happened?” Annabelle Under-Appreciated asked her ace hiring partner, Sherwood Corrigan.

“What do you mean? Nothing’s happened.”

“Sherwood, I just saw Rachel walk out of your office, and she was white as a sheet, looked as if she’d just lost her best friend.”

“Oh, Rachel. Yes, I just gave her some feedback on her last memo.”

“Well, what did you say to her?”

“I told her it was about a C-minus. It wasn’t very good, and I thought I needed to light a bit of a fire under her.”

“Well, no wonder she was crushed.”

“Isn’t that just like associates?

They say that they want feedback, but when you give it to them, they’re unhappy.”

“They want feedback that will help them, Sherwood. How will telling Rachel that her work was a C-minus help her?”

“Well, it will let her know that it’s not satisfactory, for starters.”

“I’ll grant you that, Sherwood. And, actually, that’s not insignificant. Some of your partners won’t even do that.”

“They won’t?”

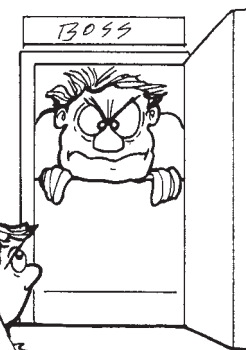
“No, they don’t like confrontation. Unlike you, they apparently don’t relish making people feel bad.”

“So what do they do when an associate gives them unsatisfactory work?”

“They revise it themselves, or give it to another associate, and never use the associate again.”

“Yeh, I know how that happens. Sometimes it’s easier and quicker just to do the job yourself.”

“It may be easier and quicker this time, but it’s not going to help the associate learn. And if she does learn, it will be easier and quicker the next time to let that associate do it. Besides, it will free you up to do the level of work that a



partner ought to be doing, rather than your doing associates’ work.”

“So how do you convince my partners who don’t like confrontation that they should give associates feedback?”

“I try to teach them that feedback doesn’t have to be confrontational. I remind them that they made mistakes, too, when they were associates and if somebody hadn’t taken the time to correct them, they wouldn’t be partners now.”

“And how do you make feedback non-confrontational?”

“A lot has to do with style, and body language. You shouldn’t give feedback

(con’t pg. 4)

Carol's Column

This column draws on Carol Kanarek's unique perspective as an advisor to law students and consultant to large law firms. Carol can be reached at 212-371-0967 or ckanarek@aol.com.

Every September I see a number of law students with great cocktail party personalities and mediocre first-year grades, who receive many large firm offers, while their somewhat less socially adept counterparts with higher grades struggle to succeed in the summer associate recruiting process. And every December I receive a flood of announcements from those same large law firms, and invariably find that a disproportionate number of the winners of the partnership sweepstakes are lawyers with less social personality types. Even accounting for regional variations (New York being Mecca for those who have slightly out-of-the-mainstream notions about what constitutes a great quality of life), it has become apparent to me that the demands of large law firm life in the twenty-first century increasingly favor those who don't feel quite so acutely the opportunity cost of spending long hours in the office paying close attention to technical details on a continual basis.

If you are a large firm partner reading this column you are probably a "people person" (because you are probably a hiring partner), so it might be a good idea to look at your firm's crop of new partners to see if you are recruiting a sufficient number of students who possess the traits actually necessary for medium- to long-term success in your firm. It might also be revealing to determine whether or not the junior associates who are either not succeeding or are leaving voluntarily within the first few years (and are therefore not profitable to you) were recruited primarily because they had sparkling personalities. If you are using these associates as your primary front-line recruiters in the callback process, you may be setting in motion a vicious cycle. These associates recruit clones of themselves and then leave the firm soon thereafter. These new recruits then become the front-line recruiters, recruit clones of themselves, and then leave—or are asked to leave—the firm. Before long you have an "attrition problem".

Although it may seem counterintuitive to a people person, the best solution is to use only those lawyers in the callback process who have a proven record of practice success in your firm—even if some of them are not the most conventionally "social". All recruiters should be good sales reps for the firm, but that skill can be taught to almost anyone who is a successful lawyer. Those who are not successful lawyers may appear to be successful sales reps, but they are usually not selling the right stuff.

Are You Serious?

I firmly believe that recruiting and managing lawyers effectively requires a (sick?) sense of humor. This space is reserved for humor. Please feel free to send in your contributions.

When you are feeling particularly unkind, here are some comments for associates (or partners):

- 1) How about never? Is never good for you?
- 2) I'm really easy to get along with once you learn to worship me.
- 3) You sound reasonable...Time to up my medication.
- 4) I'll try being nicer if you'll try being smarter.
- 5) My toys! My toys! I can't do this job without my toys!
- 6) You might look like you're doing nothing, but at the cellular level I suppose you're really quite busy.
- 7) At least I have a positive attitude about my destructive habits.
- 8) I see you've set aside this special time to humiliate yourself in public.
- 9) Someday, we'll look back on this, laugh nervously and change the subject.

A Matter of Fact

The world of lawyer recruitment and management often seems so nebulous that it's comforting to hear a good, hard fact once in a while. Here's this quarter's fact:

Associates may be fleeing large law firms for other, "friendlier" venues, but that does not appear to be the case with partners from The Am Law 200 as reported by The American Lawyer in its March, 2004 issue. The publication tracked a total of 2,497 partner moves (up 13 % from the prior year, which included post-9/11, and up 4% from the year before that). Of those partners who moved, the overwhelming majority (92%) went to other law firms, with corporations (4%), government (2%) and judicial (1%) lagging far behind. Males accounted for 82% and females 18% of the moves (though to analyze the significance of that one would need to know the percentages of males and females in the firms covered, which The American Lawyer does not provide).

clientSell

This crassly commercial section ballyhoos a consulting service, which could prove very useful to you (and, of course, profitable to me). Here's this issue's suggestion. Call (847) 864-7657 or e-mail arnie@kanterprofessional.com if you're interested. Additional consulting services can be found on my website at www.kanterprofessional.com

Sure it's only February, but, before you know it, summer will be upon you. Everyone knows that the summer program is the most important source of new attorneys, your most important recruitment tool. But most firms do pretty much what they've done the past five years, perhaps changing the bowling party to a barbecue. Isn't it worth taking a fresh look at what you've been doing, and designing a program that will really convince those prize students you knocked yourself out recruiting last fall to join you permanently? I have worked with firms around the country in designing their summer programs, and would be happy to talk to you about doing the same. Even if you do not make dramatic changes in your programs, the analysis is well worth doing.

Ask Arnie

Please submit your questions about recruitment or life. The swami will reply.

How can we get partners more actively involved in recruiting?

One approach is to think about who are the likely candidates to involve. Not all partners are equally likely to participate. Go back in your recruitment records and determine which partners used to be hiring committee chairs or members of the committee, but have not served in those positions for at least five years. (If you don't have those records, that's a sign that you are not keeping all the information that you should.) Form a "counsel of elders" comprised of those people and solicit their active support in recruitment. You may be surprised to find that at least some of these elders may actually enjoy getting involved in recruitment again. And asking people for advice is always a good way to get their attention.



The Longer View

Most people involved with recruiting and managing lawyers feel they have enough to do dealing with what's on their plate today. This column will try to stimulate you to view things on a longer continuum, and to look to the future.

Partners are sometimes surprised at what a short-term view associates have of life. They might not be so surprised if they looked at their own partners and considered how long-term a view they had.

They also would not be as surprised if they reflected on how students have seen their lives in three or four year blocks of time for the last eleven years, starting with high school and going on to college and then law school. It's not surprising, then, that they see their next step at the firm in terms of three or four years, as well.

Firms would do well to recognize this horizon and to plan meaningful three- or four-year programs for their new associates. An associate who has experienced a program like that is far more likely to stick around for the next two or three years, when they become profitable to the firm.

Idea of the Quarter

Firms regularly send holiday gifts to summer associates when they accept their offers and to those same summer associates when they arrive at the firm for the summer. Most firms, however, do not do the same thing for their new associates. This is just one more example of how firms fail to implement aspects of their summer program for new associates. In addition to considering a gift, how about adopting a policy of inviting a new associate, with spouse or significant other, out to dinner at a partner's house the first week that associate arrives at the firm? In fact, if you do that, you may as well do away with a gift. Making your new associates feel welcome is an important step in getting them off on the right foot.

(con't from pg. 1)

when you're angry; wait until you've calmed down. And make sure that you criticize the work, not the person. Let the associate know that you made some mistakes yourself as an associate; maybe even tell a tale on yourself. And, at the end, express confidence that the associate will do better next time around. That lets the associate know that the mistake he made was not fatal."

"That sounds like good advice. I might even be able to learn something from that. Any other tips?"

"Sure. If you can, try to combine your criticism with some praise on other aspects of the job the associate did. Of course, that's not always possible, but when you can do it combining criticism with praise makes the criticism a lot easier to take."

"I don't think that would have been possible in this case. I actually was being a little generous; Rachel's work probably deserved a D."

"Sherwood, our associates are people who regard a B-plus as a failure, so there's no difference between a C-minus and a D. Anyway, the issue is not the grade, but what information you gave to her that would allow her to improve her work product on this and other projects."

"Look, Annabelle, in an ideal world I might sit down with every associate on every project and give a detailed review of my comments and suggestions for improvement. Unfortunately, that's not the way things are. I'm very busy. I don't have time for that."

"Nobody would suggest that you do have time for that, Sherwood. We're not talking about a detailed review on every project. But you could make the time for an amount of review appropriate to the work that's been done. At least identify the key points you want to make and communicate them to the associate. Often that won't take more than five or ten minutes, and it can save you a whole lot more time than that."

"But she just doesn't seem to get it."

"Maybe you should ask her how she came to produce the draft that she provided to you."

"What good will that do?"

"I can see at least two possible outcomes that might do some good. First, you might find that Rachel didn't understand what you wanted. However unlikely it may seem to you, Sherwood, that might suggest that part of the problem was in the way that you gave the assignment. Even if you think

that's not the case, you at least would know that in giving an assignment to Rachel you need to make doubly sure that she understands what you want."

"And second?"

"Second is that in explaining it, Rachel might discover her mistake on her own. When somebody discovers her own mistake, she's a lot less likely to repeat it."

"It may be that Rachel and I just can't work well together. Y'know certain partners work better with certain associates. That's always going to be the case, and I think that's okay, don't you?"

"Sure, certain associates will work better with certain partners than others. But I think you owe it to associates and to your partners to give everyone a fair opportunity. Even if Rachel winds up not working much with you in the future she still can benefit from exposure to you. Associates learn by observing different partners' styles of doing things."

"I understand why I might 'owe it' to Rachel (though at the salary that we pay her, I'm not sure we owe her all that much), but why do I owe it to my partners?"

"First of all, the salary you pay associates is only part of the bargain. Associates didn't agree that for that salary you can treat them any way that you want. That wasn't the bargain you made with them. It certainly isn't what you told them when you recruited them. You said that you would train them. And feedback is an important part of that training."

"I knew you'd jump on me for that one. But what about owing my partners?"

"As you said, some associates will work better with some partners than others. But the way that associates are treated by all partners affects how they feel about the firm, how much effort they're going to put into working with other partners and how long they'll remain at the firm. So your treatment of Rachel affects a valuable investment that all of your partners have made and are entitled to get the benefit of."

"Okay, Annabelle, I take your point. I guess that I may have been a little unduly harsh with Rachel. Maybe I'll give her another shot at it. As you said, she probably could benefit from exposure to me."

"I knew that you would see the light if I put it that way, Sherwood."