

How to Flip the Script on the Annual Review Process

A year-end evaluation offers an invitation for growth going into the new year, which starts with the associate opening up the review as to how he feels he did for the year.

By Betsy A. Miller

Effective feedback is critical to professional growth, strategic alignment and talent retention. The year-end review should be a culmination of real-time discussions and micro-adjustments, rather than a moment to unveil major surprises.

A key ingredient—and one that is sometimes surprising to both partners and associates—is inviting the associate to open the review discussion and give his perspective on the year. This invitation, and the timing of it, can yield powerful results in the form of associate growth, engagement and commitment. Basic neuroscience tells us that triggering the fight-or-flight survival instinct is never a good strategy if the goal is complex thinking and listening to other perspectives. Yet, too many reviews begin with pronouncements that do just that. Consider the different gut reactions these approaches might provoke.

Scenario 1: Announcing headline conclusions

“This year, you did a solid job drafting discovery responses for Client X. But you also failed to meet important deadlines. As just one example, your draft of the summary judgment brief was so late that the partner had to cancel her travel plans to stay home and edit it. This was unacceptable.”

A clear message, like the one above, is an important element of any review. It is also true that effective feedback should include concrete examples, like the one above. But starting with the partner’s



headline assessment deprives both partner and associate of a conversation that can proceed without triggering unhelpful defense mechanisms. Contrast the approach above with this one:

Scenario 2: Opening with an invitation

“We’d like to hear your perspective on the year. What achievements were most meaningful to you, and what mistakes did you learn from?”

This type of opening invites reflection and growth. It normalizes and encourages associates to take ownership of both achievements and failures, something that can be equally uncomfortable to practice. This opening also invites associates to articulate a learning path forward. And it does something that the legal profession often fails to emphasize and value: We can all keep learning and developing, no matter how senior we are. To be clear, the advice is not to open with an invitation and never deliver

the hard message. It is to open with an invitation, give the associate a chance to show that he can see the situation from the supervisor's perspective, and work together from there.

Fundamentally, any review should address: (1) what has been working well, (2) what areas require additional effort and support, and (3) what actionable commitments can be made to augment the first and address the second. Whether the main message is "keep up the great work" or "we have some serious concerns to address," this framework provides a neutral vehicle for discussing observed strengths, perceived deficits and a shared plan forward. By setting the stage with an invitation, associates have a meaningful chance to share important information, leading to a more effective pivot toward formulating an action plan going forward.

If you've done your job as a supervisor, the associate already knows the mistakes he made during the year. Giving associates the chance to speak first builds their capacity for reflection, growth, and ownership over their own development, without the defense-mechanism static that arises when a partner itemizes associates' failures in the first instance. Fostering a growth mindset is vitally important to talent retention, so partners should take advantage of memorable moments, such as annual reviews, to encourage associates to practice this skill. Since most supervisors do not relish delivering unpleasant messages, this sequencing and framework delivers the added benefit of reducing interpersonal strain that an otherwise difficult conversation can impose.

This has been an extraordinary year, with the pandemic creating unparalleled challenges to our ability to connect and support each other, or to know how much is fair to expect of one another. Most law firms in this country will be conducting reviews remotely. Without the benefit of in-person interaction, it is even more difficult to regulate the tone and impact of the discussion. Even after the pandemic has passed, virtual

reviews and remote work will remain a prominent part of our professional lives, so this is an opportune time for partners to demonstrate our own capacity for growth and adaptation by evolving our basic approach to these important feedback discussions.

If we begin the review with an invitation, follow with a truly bilateral discussion about what worked well, what didn't, and what should be preserved or changed going forward, we can set 2021 up for even greater engagement and success. To that end, the way we close a review matters just as much as how we open it.

These two invitations can serve as growth-oriented, commitment-focused, insight-yielding bridges into the New Year:

(1) "As supervisors, what can we do to inspire your best work?"

(2) "As an associate, what can you do to earn the level of responsibility and autonomy you want to achieve?"

Partners and associates have a shared responsibility for professional development, which includes developing the capacity to tackle difficult conversations with skill and equanimity. By making the annual review an invitation for growth, there is a better return on investment for everyone.

Betsy A. Miller is a partner at Cohen Milstein Sellers & Toll, where she has served as the chairwoman of the firm's evaluation committee. She speaks nationally on leadership in the law and holds a certificate in leadership coaching from Georgetown. She is a graduate of Dartmouth College and Harvard Law School.

COHENMILSTEIN

Powerful Advocates. Meaningful Results.

202.408.4600 | cohenmilstein.com