

## Ditch The Annual Review To Boost Attorney Job Satisfaction

By **Betsy Miller** (July 12, 2021, 10:02 AM EDT)

At many law firms, the annual review still functions as the only required performance and growth discussion of the year. While some lawyers initiate more frequent feedback conversations informally, few law firms nurture this important practice, or offer training on how to do it well.

The legal profession must adopt both — frequency and training — to attract and retain the millennial generation's star talent, which is more focused on impact, innovation and transparency than its predecessors.



Betsy Miller

### **Millennials are a growing majority, and they expect frequent feedback.**

Associates and rising partners of today are members of the millennial generation, which includes everyone born from 1981 to 1996. This is the first cohort of professionals to come of age entirely in the internet and digital era.

The immediacy of access to information and to social reactions are core attributes of this generation's culture, and with those attributes comes an expectation for prompt and frequent feedback in the professional realm. If you are a senior lawyer nursing nostalgia for infrequent and formal evaluations, take heed and evolve with these cultural changes.

Millennials constituted more than 35% of the American workforce as of 2017,[1] and by the year 2025, they are projected to occupy nearly 75% of the workforce worldwide.[2]

Studies show that 64% of today's employees want their supervisor to check in with them at least biweekly, and 42% would like some type of feedback every week.[3] In a large-scale 2016 study of 1,500 professionals, Adobe Inc. found that 80% "want feedback in the moment rather than delivering aggregated feedback after a period of months." [4]

While frequent, real-time, skillful feedback always has been a mainstay of robust professional development and employee satisfaction, this generation of lawyers is the first to expect it from their supervisors as a core competency.

Tomorrow's leaders are watching us to see if we are able and willing to provide the type of challenge

and support that matters most to them: honest, frequent, invested conversations about their ongoing performance, future goals and primary motivators. Senior lawyers should accept this invitation enthusiastically and treat it as a vital opportunity to stay curious about cultivating their own leadership skill set.

### **Don't hate the players, change the game.**

There is a well-known principle in organizational development that "every system is perfectly designed to produce the results it achieves." [5] The premise is that intended and unintended consequences are embedded in the inherent design of the system itself. For the legal profession and its attachment to the singular, annual review, these consequences are significant.

### ***The Importance of Giving Feedback Frequently***

A law firm that overlooks the importance of training lawyers to provide frequent, real-time feedback creates a system in which professional development of those receiving the feedback lags months behind the event that triggered an opportunity for growth. It also creates a culture in which the lawyers are less able to absorb the feedback because long gaps between an assignment and the feedback about the performance diminish the ability to recall objective details, good and bad.

Details get replaced by sweeping conclusions, initiating an unconstructive shift that is more likely to trigger stress, anxiety and frustration — all of which create interpersonal tension. When difficult feedback is delivered as a wholesale judgment (e.g., "Your attitude shows a lack of commitment") or as a sweeping conclusion (e.g., "Your work on this assignment was disappointing"), it stops the conversation in its tracks.

This is because the human brain responds to value judgments the same way it responds to physical danger: as a safety threat. This activates a specific hormonal and neurological reaction commonly known as the fight, flight or freeze response.

Once it is triggered, the body is in a physical state of high alert and vigilance to protect itself. In these moments, the part of our brain responsible for integrating multiple perspectives cedes control to survival instincts. While this is quite helpful if you are attempting to outrun a bear, it makes a productive feedback conversation impossible.

By contrast, real-time feedback makes it much easier to offer an observation about an objective fact and pair it with a logical consequence (e.g., "You missed the agreed-upon deadline, which caused me to work into the night"). When feedback is phrased like this, the impact is markedly different because the brain does not receive it as a threat.

Real-time feedback also offers the important opportunity to vocalize specific praise for a job well done, which is an essential motivator. [6]

The unintended consequences of delayed growth opportunities and feedback-resistant dynamics both can be addressed by evolving toward a system that values more frequent conversations and provides training on the fundamental skills necessary to conduct them effectively.

## ***The Power of Soliciting Feedback Skillfully***

Conversely, it's imperative to create systems that reward lawyers for soliciting feedback and processing it productively.[7] Doug Stone and Sheila Heen, authors of the 2014 book "Thanks for the Feedback: The Science and Art of Receiving Feedback Well," refer to this as the shift from push (sharing feedback) to pull (receiving feedback). They assert that greater power, impact and capacity originates from the ability to seek and usefully process feedback.

The key is to stay grounded and realize that you have the power to treat feedback — even if it's hard to hear or poorly delivered — as an opportunity to learn and improve.

Stone and Heen assert: "Creating pull is about mastering the skills required to drive our own learning; it's about how to recognize and manage our resistance, how to engage in feedback conversations with confidence and curiosity, and even when the feedback seems wrong, how to find insight that might help us grow." [8]

This approach empowers the lawyer being reviewed to take ownership of her development by initiating and framing feedback conversations in ways that support her learning by creating psychological safety instead of triggering the fight, flight or freeze response. This skill is equally important for senior and junior lawyers.

Unfortunately, formal support for professional development drops precipitously after promotion into the senior ranks.[9] Whether intended or unintended, the consequence is that the most senior lawyers are the least likely to participate in learning opportunities.

There are many reasons for this, including that law firms often fail to compensate senior lawyers for demonstrating a continued commitment to their own learning and growth — even though doing so would enhance their capacity as leaders, mentors and managers.[10]

And yet, even the most senior lawyers become curious and engaged when greeted with a mature associate's skillful request for input and mentorship about what worked well and what didn't. This supports Stone and Heen's thesis: Support the "pull" because it yields the greatest return on effort and investment.

### **Year-end performance meetings should serve a higher purpose.**

A year-end meeting focused on past performance and future development is a critical piece of the puzzle; however, it is one of many conversations that should take place over time.

Year-end feedback should steer clear of including the element of surprise, and important assessments should not be hoarded for a big reveal in December. Feedback isn't a one-time affair, and observations about professional development don't age like fine wines.

The practice of giving and receiving feedback is a muscle that benefits from regular exercise, so it can support the everyday demands of interacting on a team and working toward future goals.

Information to support development or course-correct a problem is most valuable when shared in real

time, through intentional conversations that thoughtfully solicit information about what is working well and what isn't, from the perspectives of both the lawyer receiving the feedback and the supervisor giving it.

When these conversations happen informally and regularly, a year-end discussion is free to serve an elevated function: to synthesize multiple observations discussed throughout the year, in a manner that promotes (1) shared reflections on achievements and challenges; (2) clear messaging about current status; and (3) concrete performance and development plans that encourage active commitment from all involved.

The year-end conversation should be reserved for higher-altitude reflections on what has been learned and where to grow from there.

## **Conclusion**

Reward and train lawyers, regardless of seniority, to solicit and to share feedback frequently, informally and in real time. This motivates rising lawyers to articulate their goals, it fosters healthy and bidirectional communication, and most importantly, it builds the foundation for a future professional culture in which all lawyers are comfortable having these critically important conversations skillfully — from the bottom up and the top down.

This is precisely the kind of transparency and access to transparent leadership that the millennial generation demands and deserves. Let's prove we are up to the challenge of evolving.

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*Betsy A. Miller is a partner at Cohen Milstein Sellers & Toll PLLC, where she served for a decade as chairwoman of the evaluation committee.*

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[1] <https://www.pewresearch.org/fact-tank/2018/04/11/millennials-largest-generation-us-labor-force/>.

[2] <https://journals.sagepub.com/doi/full/10.1177/2329490618808043>.

[3] <https://www.tinypulse.com/blog/sk-the-real-reason-why-millennials-in-the-workplace-crave-feedback-in-the-workplace>.

[4] [https://www.adobe.com/content/dam/acom/in/about-adobe/newsroom/pdfs/011317\\_Performance\\_Review\\_Peril\\_Adobe\\_Study\\_Shows\\_Office\\_Workers\\_Waste\\_Time\\_and\\_Tears.pdf](https://www.adobe.com/content/dam/acom/in/about-adobe/newsroom/pdfs/011317_Performance_Review_Peril_Adobe_Study_Shows_Office_Workers_Waste_Time_and_Tears.pdf).

[5] The original version of this quote, "Every system is perfectly designed to get the results it gets," is attributable to a range of people, including Paul Batalden and W. Edward Demings.

[6] <https://hbr.org/2013/03/the-ideal-praise-to-criticism>.

[7] See, e.g., Betsy A. Miller, "How to Flip the Script on the Annual Review Process," *American Lawyer* (December 11, 2020), [https://www.cohenmilstein.com/sites/default/files/Flip%20the%20Script\\_0.pdf](https://www.cohenmilstein.com/sites/default/files/Flip%20the%20Script_0.pdf).

[8] Doug Stone & Sheila Heen, *Thanks for the Feedback: The Science and Art of Receiving Feedback Well*, 6 (2014).

[9] Betsy A. Miller, "Leadership and the Law: How Law Firms Can Fix a Puzzling Quirk," *National Law Journal* (May 28, 2020), [https://www.cohenmilstein.com/sites/default/files/NLJ%20B.%20Miller%20\\_0.pdf](https://www.cohenmilstein.com/sites/default/files/NLJ%20B.%20Miller%20_0.pdf).

[10] *Id.*

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