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What's the Best Way to Evaluate Associates?

Vivia Chen
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Today's guest blogger is consultant [Eve Birnbaum](#). A former corporate partner at Winston & Strawn, Birnbaum was also the legal director of the corporate practice at Proskauer Rose.

Law firms are all worked up about core competencies these days. But is there such a thing as too many competencies? And can competency checklists turn from being effective tools to being counterproductive turnoffs?

Though there is no set definition, most large firms have developed "core competency" checklists, setting forth the factors critical for a successful career at the particular firm. Over the past five years, firms have incorporated these core competencies, along with performance criteria and benchmarks, into associate evaluations as the basis for reviews and promotions. This has introduced long overdue standards into the review process, providing associates with a roadmap of firm expectations.

All good, right? Yes. But when the development of skills checklists is taken to extremes, the result is counterproductive.

I recently attended the annual 2010 Professional Development Institute in D.C. where major law firms and law schools shared information about professional development initiatives. As I was sitting through a slide show illustrating one firm's competency model--consisting of an excruciatingly detailed list of microtasks and performance-bits--my enthusiasm turned into incredulity.

Does a partner evaluating a junior associate's basic writing skills need to be told that the skills set includes "correct grammar, syntax, and punctuation?" A more advanced-level writing skills checklist includes, "providing polished early outlines and first drafts to senior attorneys to gain valuable feedback for final work."

Really? Do associates do that? And if they do, is it useful? I found myself wondering: Isn't an associate more than the sum of his or her competencies? Will associates be turned off by the dissection of their skills and performance into molecular-size segments and sub-segments? And perhaps more importantly, will partners completing the evaluation forms stop "seeing the associate" and simply start checking straight down the "B" column?

So what should the model be? It should be general and abstract enough to capture general behaviors and be applicable across all practice areas of a firm so that it can be fairly applied. The evaluation form itself must be short and concise enough so that partners are willing to complete it thoroughly and honestly.

Bryn R. Vaaler, professional services partner at Dorsey & Whitney, set forth the principles of a good model in "Codifying Competencies," Law Firm Partnership & Benefits Report (Law Journal Newsletters), January 2005. The competency model described by Vaaler encapsulates the basic principles of a workable, fair, and results-oriented competency model. Vaaler describes three crucial decisions made by his firm in creating the model:

1.   It articulates the competencies viewed by the firm as essential to *superior performance* rather than laying out minimum standards;

2.   The competencies are stated in *broad terms* consisting of general behaviors, aptitudes and attitudes, rather than in specific tasks or experiences; and

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About The Careerist

The Careerist takes an inside look at how lawyers shape their careers and manage their lives. The blog aims to dissect developments in the profession, provide useful information and advice, and give lawyers a platform to voice their views. The goal is to provide a fresh, provocative take on the state of lawyering.

About Vivia Chen

Vivia Chen, The Careerist's chief blogger, has been covering the business and culture of law firms for a decade. A former corporate lawyer, Chen is fascinated by those who thrive (as well as those who don't) in the legal profession. Her take: Success in the law (and life) doesn't always travel a linear path. If you have topics you'd like to discuss or information to share, contact her: VChen@alm.com

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3.   While the competencies are stated in abstract terms, they are followed by *illustrative behaviors* that either indicate "strength" or "development needed." Vaaler explains that the behaviors described are "not intended to illustrate comprehensively the meaning of the more abstract competencies, but instead to create a flash of recognition and understanding."

The Dorsey model describes the competencies at each level in terms of five criteria: Knowledge, Skills and Capabilities, Work Management, Character and Commitment, and Client Service and Business Development. The broad terms and abstract qualities allow the competencies to be applied across the firm's practice areas, which addresses the fairness element. The illustrative behaviors included in each category enable the partners to apply the competencies to their specific practice areas.

The beauty of this approach is that the broadness and abstractness also gives room and license to recognize the associate as he or she is, and what he or she ends up bringing to the table--it's an evaluation of the *associates as they are* and his or her end-result performance. It does not attempt to dissect or analyze the makeup of the individual associate or the behaviors that get them there. Call it holistic or simplistic, but in the end, it is a straightforward evaluation of a real person.

In my experience, the introduction of specific performance criteria and benchmarks greatly improves the quality and fairness of the evaluations. The articulation of behaviors, knowledge, skills, aptitudes and attitudes, coupled with illustrations of what constitutes the firm's standard of excellent performance at each level, provides the partners with some tools to evaluate the associates thoughtfully and to make comparisons fairly of associates at each level. The associates receive clear messages about performance relative to expectations and where and how they need to step up their game.

A successful evaluation should ask whether associates believe they have been evaluated fairly, understand what is expected of them in order to advance, and feel positive about themselves and the firm. Associates appreciate straight talk and a straightforward assessment of where they stand.

Simply put, more is not better. In a world that values smarts, efficiency, fairness, and results, our evaluation process should meet the same standard.

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Do you have topics you'd like to discuss or tips to share? E-mail The Careerist's chief blogger, Vivia Chen, at VChen@alm.com.

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Posted by Vivia Chen at 11:27:58 AM in Advice, Management/Mismanagement

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Thanks, Eve.
Interesting to consider both sides of the equation. On the one hand firms need objective benchmarks and measurables in order to fairly assess associate (and partner) performance across the board. This is essential for justifying compensation decisions to those partners who may not personally know a specific associate, and also important so young attorneys can understand how they are being evaluated. On the other, there is something to be said for intangibles, and most definitely for ease of compliance by the supervising partner. Nice blog!

Posted by: Victoria Roberts | January 25, 2011 at 12:19 PM

This is a great article Eve. A detailed checklist like the one you described gives the impression that one size fits all. Does this mean that all lawyers who receive a certain rating or have all the right boxes checked are fungible? Clearly not. Evaluating how associates incorporate and synthesize the knowledge and skills they learn with their natural abilities, talents, and leadership characteristics and how they apply them to their work is what makes for better evaluations and even better road maps for areas of growth and learning going forward.

Posted by: Mary Rosenbaum | January 20, 2011 at 03:18 PM

I get what you're saying about the writing checklist being too picky and specific. But have you seen how downhill writing skills in general are going these days?

Posted by: Joe | January 20, 2011 at 12:44 PM

Great article. Competencies are a huge improvement over vague, discrimination-enabling non-standards, but let's not go too far in the other direction by breaking people down into microscopic components.

Posted by: Dianne Rosky | January 20, 2011 at 09:12 AM

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