

The Art of Communication

CONVEYING EFFECTIVE FEEDBACK

As an associate, I was once in a colleague's office when a clearly annoyed partner walked in. He threw a letter on my colleague's desk, a junior associate, and asked, "What's wrong with this?" The junior associate stared blankly at the document, trying to figure out what could possibly be wrong. Had he left out some important information? Was it addressed to the wrong person? Was the caption wrong? The font?

He stared wide-eyed at the document for a moment, embarrassed at the meeting and at the fact that I was present, when the partner suddenly leaned over the desk and jabbed at the second paragraph. "It should be 'will not,' not 'will.' Fix it," he barked and walked out.

Needless to say, it was not a textbook case of an effective professional development moment. For those of you thinking, "Yeah, but I bet that associate proofed his documents more carefully in the future," you miss the point. It's not whether the person got the message about the accuracy of his work; it's about how he got the message, and the ancillary message that came with it.

Jay Sullivan, a former practicing attorney, is a partner at Exec|Comm, a communications consulting firm, where he heads the Law Firm Group. He can be reached at jsullivan@exec-comm.com.

Giving feedback to junior attorneys is an essential part of being a more seasoned lawyer. Every time we convey to someone how they have performed on a task, it is an opportunity to not only develop that person professionally, but to build a relationship that says, "My job as a more experienced attorney is to help you grow and become a better lawyer." The tone of the conversation conveys that point. If the feedback is delivered with a tone that says, "My job is to wield my authority, which allows me to belittle you," the senior person has done more harm than good.

When the economy is doing well and associates leave large firms for opportunities at other firms or elsewhere, they often list a lack of feedback as one of their reasons for leaving their current employer. When the economy isn't doing well, and associates tend to stay put, they list a desire for effective feedback as a top concern, since they become more focused on how to make themselves more valuable as professionals.

When my firm conducted a survey through the first half of 2007 on the communication skills that professionals found most valuable in a leader, the ability to convey clear feedback to others ranked well ahead of delivering presentations, running a meeting, and even being able to write well.

If we don't receive feedback at work, we feel we aren't valued, that those around us don't care about our professional development, and that

the firm itself is not a place where quality professionals are developed. If we receive feedback, but it is poorly delivered, it can come across as a personal attack, motivated more by uncontrolled frustration than a sincere desire to improve the recipient's performance. When feedback is conveyed clearly and effectively, it encourages people to develop their talents and to use all of their energy to perform more effectively.

Quality feedback is delivered in a consistent manner, with clear expectations on both sides about the purpose of the conversation. The first expectation should be that feedback will be given every time someone completes an assignment. We are all busy and it is unrealistic to think that every time a junior associate completes an assignment you will have time to sit down with him immediately to review the document he prepared. However, when you return a document to a junior attorney marked up with your comments, the conversation should sound something like this:

Here is the document you handed me and the final version I sent to the client. I can't go over this with you right now, but let's schedule some time to review what you drafted. Don't panic when you see the changes. When we meet I'll show you what changes are stylistic and what changes are substantive.

Then schedule some time with him within the next few days, even if only 15 minutes. You can't expect someone

to perform better if you don't show them what "better" means.

When you do have a chance to review the junior associate's work-product, consider following these steps.

- **Raise a specific issue.** "I'd like to talk with you about the memo you prepared on the Acme matter."

- **Ask permission before you explain.** "Is now a good time? The answer will probably be "yes," but you don't want to take time giving someone feedback if he is focused on meeting an imminent deadline. If the associate can't meet at that time, he doesn't get off the hook. Ask, "When would be a good time later today? I think it will take [however many] minutes."

- **Give the big picture.** At the meeting, start by giving the big picture. "Overall, I think you did a great job. I just have some comments on a few specific issues." Or, "The document really missed the mark, and I want to find out if I didn't explain the issue well or where the disconnect happened." Or, "You did a great job explaining the law, but I didn't quite follow how you connected it to the facts of our case."

Make sure the person has a context for how he is going to hear the rest of your feedback. He needs to know up front whether his work was a 90 percent success or a complete disaster. He also needs to know

that your job is to develop him. Once you begin getting into the details, you may need to say something like, "My job is to make sure you are gaining these skills. That's why we are going to go over this. I want to make sure that the next time you hand something to a partner it's exactly what they are looking for."

- **Identify successes and challenges.** Let the person know what worked well and what didn't. We often just point out the negative. If we mention positive elements too, it is often in a passing, perfunctory way. While a general comment about performance may help break the ice before delivering the real news, it doesn't usually add any value to the individual.

Instead, comment on specific things the person did well. Often in life we do things really well completely by accident. Let the associate know that the structure of the document, or the word choice in a few instances, or the clarity of the message were positive elements of the work-product. Then, of course, let him know how he could improve, using specific examples in his document.

If the feedback addresses how an associate performed in a client meeting or on a conference call with a client, give specific examples of what you are talking about. "When you addressed the settlement options, you said the same thing three different ways." Then quote the language

he used. Specific comments are much more helpful than saying, "You tend to be too repetitive."

- **Solve the problem together.** Your job is to help develop the junior associate. Ask what steps you think he can take to improve his performance. Then offer your own advice. Obviously, the options will depend on the nature of the individual's challenge. He may need to attend a writing course or a communication skills course. You may need to meet with him after the first draft of the next document to make sure he is on the right track. You may need to give him other samples of similar work-product so that he has a guide.

- **Establish clear next steps.** At the end of the meeting it should be evident who needs to do what by when in order for the junior associate to improve. "So, call the professional development office to see when they are offering the next writing program. I will look for additional samples for you to review." Most of the initiative should be done by the person who needs development.

At the end of the day, we are each responsible for our own professional development. You can't make junior associates better attorneys; you can only give them the guidance they need with a tone that conveys a sense of commitment, and that's effective feedback.

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28 West 44th Street, New York, NY 10036

Phone: 800.394.1700 Fax: 212.684.2688

info@exec-comm.com

www.exec-comm.com