



Upward Reviews: Maximizing Their Power as a Development Tool

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Agenda

- Today's climate: What are the drivers?
- What is "Upward Evaluation?"
- What are the different delivery systems?
- How/When are these surveys used?
- How do you create buy-in and participation?
- What are the steps in a well-done Upward Evaluation process? And what are the pitfalls?
- Why are feedback and coaching so important?
- Other end-user tips
- Q & A

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Today's Climate: The Drivers

- In today's "do more with less" climate, law firms are making more concerted efforts to manage performance and develop their talent than ever before
- "Operational feedback" vs. "Evaluative feedback"
- Importance of feedback to . . .
 - Performance
 - Leadership
 - Retention

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What is "Upward Evaluation?"

- Multiple junior raters give feedback to each recipient or "ratee" (usually partners; sometimes senior associates as well)
- Can be more than one class of raters
- Each brings their own perspective
- How is Upward Review different from "Peer Review" or "360-Degree Feedback?"
- Upward Evaluation: Many associates evaluate each partner
- *Most Powerful* form of feedback because of Central Limit Theorem

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3 Delivery Systems

- **Paper survey (old way)**
- **Online survey (most common when multiple ratees)**
- **Interviews (mainly for giving feedback to a single partner or leader)**

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Upward Evaluation: Uses?

- **To increase associate morale or buy-in by giving them a voice**
- **To identify potential issues/liabilities**
- **To give partners useful and actionable feedback**
- **As part of a performance management program**
- **To provide firm management with aggregate data**
- **To provide a reliable measure of partner performance on intangibles or “soft” criteria (team-mindedness, mentoring skills, etc.)
(warning—use with care)**

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Let's Focus on Upward Evaluations

- **More similarities than differences among 3 types of Multi-Rater Feedback**
- **Upward Evaluation is most common type in a law firm**
- **Dechert has been through 10+ years of Upward Evaluations**

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Dechert's Upward Reviews: One Firm's Approach

- **Held annually**
- **All associates evaluate partners, counsel, national partners and senior (6+ years) associates**
- **We use Lawyer Brain/Larry Richard**
- **Firm sends general information and reminders**
- **All specifics come from Larry**

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Dechert's Upward Reviews

- Ratees complete self-assessments
- Raters rate on a scale of 1 to 6 (6 being best)
- Several yes/no questions including:
 - Would you work with this lawyer again?
- Several narrative questions
- One question: List of descriptors to choose from
- Reports issued to all ratees with 3 or more evaluations
- Reports compare self-assessments to actual results

Competency Models

- What is a “competency model?”
- What is a “behavioral competency?”
- Advantages of competency-based surveys:
 - Measures what’s specifically important to your firm
 - Measures what’s been scientifically shown to be a driver of success
 - Relevant to participants
 - Usually has highest buy-in
- Customized. More tailored than “off the shelf” surveys



How Dechert Incorporated Competencies

- All associates evaluated on Critical Skills of communication, leadership, client relations and management
- Added questions based on these and substantive skills to Upward Reviews
- Benefits included increasing understanding and adoption of Critical Skills by both raters and ratees



The Importance of Buy-In

- Rater and ratee buy-in is essential to meet any of the potential objectives of an Upward Evaluation
- The pitfalls of insufficient buy-in include:
 - Low level of participation
 - Low level of trust in the results
 - No second bite at the apple for a long, long time



How to Create Buy-In

- **Involve raters and ratees in the design of the instrument. Lawyers have a much easier time accepting something they create.**
- **Conduct interviews or focus group(s) with ratees to learn what categories of feedback they would find most useful. This will increase interest and confidence in the data.**

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How to Create Buy-In (cont.)

- **Conduct interviews or focus group(s) with raters to learn what feedback subjects are important to them.**
- **Leaders of the firm must support the Upward Evaluation process, and the support must be visible.**
- **Use multiple channels to communicate the importance of the Upward Evaluation process to the firm.**

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Ways to Increase Participation

- Do a splashy rollout
- Get management to visibly endorse it
- Send multiple communications in many channels
- Use “social proof”
- Pick key role models (raters and ratees) and encourage them to finish early
- Tell people how data *will* be used, and how it *was* used
- Meet (in person, if possible) with firm’s lawyers both before rollout and after data has been gathered (explain how data were used, and who saw them)
- Maintain confidentiality and integrity

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How Dechert Increased Participation

- Changed the time of year
- “Anointed” good will ambassadors, many of whom went door to door
- Sent voicemail blasts
- Held a contest: by office and practice group
 - Prizes: Happy Hours, jeans days, swag
- Monitored results (but does not impact confidentiality/anonymity)
 - Results: 48% increase in number of reports issued

● What Factors Differentiate an Outstanding Program from an Average One?

- 3 phases:
 - Planning, buy-in and design
 - Rollout and implementation
 - Report development and feedback
- Some firms just do the middle piece – big mistake for lawyers.

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How Dechert Refined its Program

- Full explanation to all entry-level and lateral lawyers
- Developed and distributed FAQ's
- Information available on website including: Sample reports and letter from Larry verifying anonymity/confidentiality
- New this year:
 - Language translations
 - Opt out for raters willing to have evaluations shared even if not 3 completed
 - Developing Upward Review tutorial webinar

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Let's Look at the Steps in Implementation, As Well as Pitfalls:

- First, be very clear about your goals
- Second, gather preliminary data
- Third, get buy-in
- Fourth, decide whether to go “custom” or “off-the-shelf”
- Fifth, design survey questions (or select standard ones)
- Sixth, get buy-in again
- Seventh, determine participants—pilot? All leaders? All partners?

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How is an Upward Evaluation Implemented? (p. 2)

- Eighth, determine variables
 - Who selects raters?
 - How many raters?
 - Paper, online, interview?
 - Minimum number to get report?
 - Who sees data?
 - Timing?
 - Technical details (another dozen decisions . . .)

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• How is an Upward Evaluation Implemented? (p. 3)

- Ninth, set up system
- Tenth, run pilot program (optional)
- Eleventh, roll out the program
 - Conspicuously, with authority, through multiple channels, with repeated communication
 - Offer Q & A sessions, and FAQ's on intranet

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• How is an Upward Evaluation Implemented? (p. 3)

- Twelfth, track the progress
 - Spotlight early adopters
 - Use role models
 - Be a bear about integrity and confidentiality
- Thirteenth, capture and report the data

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• Thirteenth, Capture and Report the Data

- **Individual reports**
 - Minimum of 3 to get a report?
 - Delivery system?
 - Coaching?
 - Format and readability
- **Aggregate reports**
 - For firm management
 - Can spot patterns, training needs

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• How is an Upward Evaluation Implemented? (p. 4)

- **Fourteenth, give feedback on the feedback**
 - Report on participation, statistics, major findings, confidentiality, uses of the data
 - Solicit input for next year's survey
- **Fifteenth, prepare to do it again**

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Watch Out for the Pitfalls (and Potholes!)

- Prevent/ discourage breaches of confidentiality
- Avoid evaluation fatigue
- Separate from “downward” reviews
- Follow up and don’t ignore feedback
- But, don’t overreact to “one off” unfair negative reviews/remarks



The Importance of Coaching

- Can mandate coaching for everyone
- Can mandate coaching just for leaders or key partners
- Top and bottom 10%
- Can invite participants to voluntarily sign up
- Coaching: Best approach – largely building on *strengths*, not “fixing deficiencies”
(exception: “fatal flaws”)

How Often Should You Use Upward Evaluation Systems?

- **Annually is best**
 - Resistance fades away
 - Keeps performance top of mind
 - Lawyers say “I’m the same as last year”—they’re *not*
 - Builds momentum and participation
 - If you skip a year, have to build buy-in all over
- **Occasionally, single-use is o.k.**
 - E.g., to give feedback delicately to a defensive partner
 - To help in leadership succession planning

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Why is it Best to Use Outside Consultants?

- **Key to success: *HIGH RESPONSE RATE***
 - Rule of thumb: 85% or better
- **Lawyers: high in “Skepticism”**
 1. If you run it internally, even with a trusted individual, paranoia and skepticism often lead to either lower response rate, or Pollyanna ratings (grade inflation)
 2. If you “do it yourself,” you can run into serious problems (boutique firm example)

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The Critical Importance of *Integrity*

- Includes airtight process, confidentiality, anonymity, and protecting raters from probing partners
- Especially true in upward evaluations—associates have a natural and often legitimate paranoia

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Who Should see the Data?

- In the first year of a program: Usually either no one but the ratee, or just a trusted leader (e.g., MP)
- In subsequent years, gradually increase to others
 - Increases accountability
 - Increases institutionalization of the process
- May ultimately be seen by PG leaders, OMP's
- Not ever a good idea to go fully public

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Case Study Continued: Dechert's Post Review Process

- Ratees with 3 or more reviews receive reports
- Practice Group and other firm leaders receive reports
- Reports used in
 - Partner compensation
 - Senior associate evaluation/bonus process
 - Partnership promotion review
- Ratees with issues spoken to, referred to coaches
- Almost all show improvement, which is monitored

Frequently Asked Questions

- How frequently should Upward Evaluations be done?
- How many raters do you need for the feedback to be useful? How many for the feedback to be safe?
- Who should be used as raters?
- Why is anonymity so important?
- What kinds of questions should be included?
- Does it matter *when* you do an Upward Evaluation?
- How important is the support of senior firm management?
- Should Upward Evaluations be linked to compensation? Promotion? Development?

In Closing . . .

- Know your objective
- Get buy-in before you implement any system
- Continually communicate
- Track your results year on year
- Keep the response rate really high
- Pay attention to strengths-based coaching on the back end
- Keep the participants informed
- Maintain integrity of the system and the participants

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Audience Questions?

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