

LIFE, LIBERTY, AND THE PURSUIT OF EQUITY — PERFORMANCE ANXIETY: HOW TO SURVIVE EVALUATION SEASON



SARAH SCHLOSSBERG is an attorney in the Commercial Litigation Department at Cozen O'Connor. Her practice is focused on a wide variety of complex commercial litigation matters. In addition to Sarah's legal practice, she manages the firm's Commercial Litigation Department, supporting the attorneys and staff in the department. On a more global level, she serves as the vice chair of Cozen O'Connor's Women's Initiative and as lateral integration coordinator for new litigation attorneys.

Sarah is committed to giving back to the community and has handled numerous pro bono matters throughout her career. She currently sits on the Board of Directors for Philadelphia's Anti-Defamation League and the Wolf Performing Arts Center.

Performance reviews are like visiting the dentist: You have to endure them with some regularity. They are usually riddled with anxiety and can be slightly painful. In the end, you are glad that you went, while simultaneously relieved that you don't have to go back anytime soon. While the vast majority of people—from management to the evaluators to the evaluatees—loathe the process of performance reviews, research suggests that evaluations are still the best tool for providing meaningful, transparent, and ideally equitable feedback to attorneys.¹ Employers will always judge their employees. Assuming you do not want your success to be determined in secrecy behind closed doors, evaluations at least provide an opportunity for open feedback and comparison.

Unfortunately, you cannot take the edge off of evaluation season with a little Novocain or laughing gas. This article will delve into some more palatable recommendations for easing the pain of performance reviews, such as:

- How to elevate one's self-evaluation;
- Providing employees with meaningful constructive criticism while minimizing bias;

- Cultivating the proper mindset for a constructive performance review meeting; and
- Flourishing with all of that newfound feedback.

Self-evaluations

Brevity, solid organization, and shameless self-promotion are the cornerstones of a top-notch self-evaluation. Consider the self-evaluation an opportunity to showcase not just what you have accomplished over the last year, but also your organizational and drafting abilities. It is challenging to succinctly summarize an entire year's worth of work in one or two pages. Dividing it into bite-sized segments with easy-to-follow headings will allow the reader to scan the document to find what they need and easily absorb the highlights. Just as writing styles are subjective, so too are the desires of those reviewing evaluations. Do not be afraid to ask to see examples of what the evaluators consider to be exemplary self-evaluations.

Substantively, you want to concisely summarize your successes, as well as any skills you have honed over the year. If the attorneys evaluating you will have an opportunity to review your self-evaluation, include a snapshot of the work that you did on their cases over the last 12 months. By the time evaluations roll

around, supervising partners may not remember all of your contributions from the prior year. Having a difficult time with that whole self-promotion thing? Attach an email or include a quote with a compliment from a client or colleague instead. When possible, quantify your accomplishments by translating them into objective metrics such as hours billed, money saved, or billable credit brought in but perhaps attributed to someone else.² Often it is helpful to review your previous evaluation and use it as a reference to show your progress over the past year.

This self-promotion can be particularly challenging for women who have been socialized to modestly downplay their achievements. And while society applauds male bravado, women often face backlash if they appear to be boasting.³ Teetering on the tightrope of conflicting expectations is not easy. Two ways to navigate this minefield are to let the facts speak for themselves and to allow others to “speak for you” through strategically placed quotations. Regardless of how it is done, it is important that women highlight their accomplishments in their self-evaluations.⁴ If it makes you feel a twinge uncomfortable, think of it as doing your evaluator a favor.⁵ Employers, who often review hundreds of evaluations, are too busy to unearth and analyze all of this information on their own.

Meaningful feedback

Once self-evaluations have been submitted, responsibility lies with the evaluators to take the time necessary to provide thoughtful, meaningful feedback. Many partners are afraid to be forthright because they fear that constructive criticism will alienate their associates. It is much easier to be nice than to be honest. Surprisingly, however, associates value thoughtful, detailed constructive criticism. It may be uncomfortable at the time, but associates appreciate transparency and opportunity for growth. Further, from a professional development perspective, employers cannot provide attorneys with necessary assistance if they are unable to assess an attorney’s weaknesses. Underperforming attorneys who cannot shoulder the same workload are also bad for morale by placing an unfair burden on others.

When this happens, law firms risk losing their most talented attorneys.

Though honest feedback is crucial, it need not be brutal honesty. New research indicates that novices benefit more from praise than criticism while they are building their confidence.⁶ Thus, it is likely more effective to reassure inexperienced attorneys of their talents while providing them with constructive criticism. Conversely, more seasoned attorneys may wish to dispense with the niceties associated with some self-evaluation forms. Those who are more confident in their abilities—such as senior associates or junior partners—may prefer to simply identify areas for improvement and brainstorm solutions.⁷ Regardless of experience level, “the trick to giving negative feedback is to come at it with the intention to really help someone improve.”⁸

When providing feedback, evaluators must be vigilant to avoid implicit gender bias. Some biases that commonly sneak into performance reviews include:

- **Prove it Again:** Women tend to be evaluated more harshly than men because our society equates professional success with masculinity. The underlying theory is that “information that supports preexisting stereotypes tends to be noticed and remembered, while information that contradicts them tends to be overlooked and forgotten.”⁹ Men’s successes are attributed to skill because that outcome conforms with our preconceived expectations, whereas women’s successes are often overlooked or attributed to luck. Therefore, women end up having to prove themselves again and again. Unfortunately, the reverse is true when it comes to mistakes. For men, mistakes are an outlier. For women, mistakes are sometimes perceived as indicators of their incompetence.¹⁰
- **Tightrope:** Women are often forced to navigate a narrow path between masculinity and femininity. Female attorneys who display more masculine tendencies such as ambition, competition, decisiveness, and risk-taking are often viewed as untrustworthy, whereas female attorneys who are compassionate, collaborative, or

soft-spoken—traits associated with femininity—are treated more kindly, but often viewed as inept.¹¹

- **Tug of War:** Gender discrimination isn't reserved for men. Women also unfairly criticize, judge, and distance themselves from dissimilar women. When there are fewer women in the workplace, a common occurrence at law firms, "women face performance pressures, highly freighted decisions about whether to assimilate into male norms and networks, and the threat of being trapped into narrowly cabined female roles."¹² When women are faced with limited opportunities as a result of tokenism, it will naturally lead to jealousy, competition, and tension—particularly between those who assimilate and those who do not.

By their nature, implicit biases are difficult to detect. But that does not mean it is completely hopeless to look for them. Determined to minimize implicit bias, one of my colleagues drafts his evaluations, then re-reviews all of them after a day or two with an eye toward identifying and eliminating biases before finally submitting them. During this review, he asks himself whether the evaluations for the women look different in tone or substance than the men's. If you are unsure whether you can be an impartial judge of your own evaluations, ask another evaluator to scrutinize your evaluations for biases.

Proper mindset

Perhaps the most important part of performance reviews, though, is an attorney's ability to receive feedback, especially negative feedback, in a constructive manner. Mellody Hobson, who is president and co-CEO of Ariel Investments and chairwoman of Starbucks Corporation, is a staunch advocate of honest, authentic feedback. She explains that it is all in how the evaluatee perceives constructive criticism. She also recommends that people view feedback as a gift and treat it as such. Remain open to feedback from anyone, regardless of your opinion of that person or how inartfully the criticism was presented, and focus instead on the grains of truth in the message itself. At a minimum, you can solve for the objection:

Try to deduce what you did to provoke the criticism and determine how you can learn from it.¹³

Similarly, it is essential to divorce yourself from the uncomfortable emotions associated with negative feedback in order to learn from your critics, even if you think they are wrong. According to organizational psychologist and workplace expert Adam Grant, it is important to remember that "[w]hen someone gives you feedback, they've already evaluated you. So it helps to remind yourself that the main thing they're judging now is whether you're open or defensive."¹⁴ Grant suggests building resiliency to feedback by soliciting it often and, afterwards, asking the person giving you feedback how they viewed your response. Most importantly, when appropriate—and it is almost always appropriate—thank the person for providing feedback.

Evaluations do not end with the annual meeting. Consider that meeting the launching pad for your next performance review. Schedule time monthly or quarterly to analyze your goals to ensure you are staying on track. Create a folder where you can store copies of emails or other correspondence that you want to reference in your next self-evaluation. If you want to go a step further, start a Word Document that you update regularly to document summaries of your work, progress you have made on your goals, business development efforts, and firm citizenship activities. Be more cognizant in identifying and saving compliments from clients, partners, and even mentees throughout the year. If the praise is not written down, thank the person by email repeating as much of the compliment as necessary so that someone reading the email later has the appropriate context.

In the end, make an effort to solicit constructive criticism from your superiors throughout the year so that feedback becomes the norm.¹⁵ Just like the dentist, feedback is less intimidating and painful with regular check-ups. 🦷

Notes

- 1 Lori Goler, Janelle Gale, and Adam Grant, Let's Not Kill Performance Evaluations Yet, *Harvard Business Review*, Nov. 2016, available at <https://hbr.org/2016/11/lets-not-kill-performance-evaluations-yet>.
- 2 Joan C. Williams and Rachel Dempsey, *What Works for Women at Work: Four Patterns Working Women Need to Know*, 45 (N.Y.U. Press 2014).
- 3 *Id.* at 103.
- 4 While it is unwise to confess to every little mistake, acknowledging glaring weaknesses or providing an explanation for major losses is usually well-received, as it reflects self-awareness and accountability.
- 5 Williams and Dempsey, *supra* note 2, at 116.
- 6 WorkingLife With Adam Grant, Taken for Granted: Melody Hobson on Taking Tough Feedback (June 15, 2021), available at <https://www.ted.com/podcasts/melody-hobson-on-taking-tough-feedback-transcript>.
- 7 *Id.*
- 8 Rohini Venkatraman, According to Psychologist Adam Grant, This Is the Best Way to Respond to Negative Feedback, Inc., March 28, 2018, <https://www.inc.com/rohini-venkatraman/according-to-psychologist-adam-grant-best-leaders-respond-to-negative-feedback-positively-heres-how.html>.
- 9 Williams and Dempsey, *supra* note 2, at 23-25, 29.
- 10 *Id.*
- 11 *Id.* at 61-63.
- 12 *Id.* at 182.
- 13 Grant, *supra* note 6.
- 14 Venkatraman, *supra* note 8.
- 15 Grant, *supra* note 6.