



## Performance Management

### Introduction

Managers cite performance appraisals or annual reviews as one of their most disliked tasks. Performance Management eliminates the performance appraisal or annual evaluation as the focus and concentrates instead on the entire spectrum of performance management and improvement strategies: planning for performance development, training and cross-training, increasing responsibilities, coaching, and providing regular performance feedback. At MIE's 2011 National Conference for Legal Services Managers, two legal aid managers discussed how their programs' approaches to performance management benefited work for clients, staff members and the organization.

### Example: Neighborhood Legal Services of Los Angeles County

*By Dora Luna, Managing Attorney<sup>1</sup>  
Neighborhood Legal Services of LA County*

At Neighborhood Legal Services of Los Angeles County (NLSLA), our need for a better system for developing and evaluating our advocates led us to



create a new performance management system. Rather than focusing solely or almost exclusively on evaluations, our performance management system provides an organizational infrastructure that supports development and ac-

countability. This system consists of goal setting, development planning, coaching and tracking progress, and evaluation.

Some of the benefits of performance management, which are described more below, include helping managers develop better supervisory skills, facilitating advocates' and staff's professional development, and, ultimately, improving the quality of our client services.

My experience is that legal services folks care pas-

sionately about the work we do. We are committed and tenacious advocates who only seek the reward of a client victory at the end of the day. These are admirable and valuable skills—some of our community's greatest strengths.

However, like many institutions, we have generally not devoted the time or resources it takes to develop our advocates as future leaders with the skills to tackle today's complex poverty law issues. It is common that the "next in line" gets promoted to a supervisory position. The new manager has little training to carry on the duties of supervisor, including mentoring and coaching. Often the organization has no systemic approach to measure performance and develop individuals. This means that, although many supervisors perform their supervisory duties as best they can, this is often not sufficient to meet the development needs of our newer advocates.

Many supervisors also lack the skills, training, and support to provide meaningful evaluations, especially when areas for improvement must be addressed. At times, serious performance issues are not addressed and individuals who are not performing well may continue to receive good evaluations. The fear of confrontation, of being perceived as the "bad" person, or the lack of time due to heavy client work demands are often the culprits. However, we can make the evaluation process less painful by taking the time to create an effective accountability and skills development instrument that clearly sets out job responsibilities, expectations, and defines the performance factors by which individuals will be measured. It provides supervisors with a framework for addressing challenging performance issues and facilitates overcoming their evaluation apprehensiveness and fear of confrontation.

When I was promoted to supervisor at NLSLA ten years ago, I found myself ill-equipped to supervise, mentor, and evaluate. I acquired some skills at an MIE Supervising Legal Work training, but a formal

office-wide structure would have provided me with much needed support. Without such a structure, I struggled to create goals and workplans for those I supervised. But this was done mostly in a vacuum and applied only to the advocacy group I supervised, with only a tenuous link to the other advocacy groups or the goals I perceived were the goals of the program. I worked tirelessly to create systems to support the administrative, development, and accountability aspects of supervision. Some worked, many did not. And at the end of the day, I was not doing as good of a job as I would have hoped. I felt that there needed to be a larger structure, an office-wide structure to support the development of staff, and to appropriately measure performance.

Creating such a structure is a lofty goal given the heavy demands of direct services work. Everybody has a full plate, from the director to the receptionist. We have to keep the organization financially sound, respond to emergent issues like healthcare reform and the foreclosure crises, represent clients, handle everyday emergencies, and so on. Add on top of that, personnel issues and operations. And we also have to ensure that staff is performing well, and that we are adequately developing staff. Who has time to create a new structure?

We must, however, make the time. Everyone, including staff from the executive director to the receptionist levels, must dedicate the time to creating a system that will better support high quality work and will provide a framework for measuring performance and developing individuals. Our long-term survival as an effective organization depends on it.

This is precisely what NLSLA decided to do two years ago.

With the help of a consultant,<sup>3</sup> we set our sights on creating a performance management system to improve and enhance staff performance, establish clear expectations and priorities, and focus on results. A system to improve our performance as an organization and help focus us on the quality of our efforts—not just the number of people we help.

This system has many important benefits for staff. It accelerates professional development by assessing staff development needs and creating meaningful development plans. Coaching and support, two key elements, facilitate problem-solving and develop a partnership between staff members and supervisors.

In addition, we needed a new way to evaluate performance in order to increase the objectivity and effectiveness of performance reviews and to ensure that clear expectations were established early on so there

were no surprises during the evaluation process.

This meant abandoning the old evaluation system, which included a tool that focused primarily on performance factors, not performance goals. It had an unwieldy number of factors (forty-four), which made it difficult to identify specific areas for improvement or development. The management time expended to implement the evaluations was seen as disproportionate to the benefits derived. There was no systemic approach for measuring the quality of work and performance or for coaching and developing staff.

Our newly created performance management system, which debuted in January 2011, addresses many of the former evaluation system deficiencies. The new system is much broader and consists of five key elements: 1) goal setting; 2) performance factors; 3) development planning; 4) interim coaching and tracking progress; and 5) performance evaluation.

### Goal Setting

NLSLA wanted to move to a more results-based focus in performance reviews. To accomplish this, we recognized that NLSLA needed to develop, and clearly communicate, the organization's vision and overall goals necessary to achieve the vision. Staff members would then align their individual goals with the broader organizational goals, ensuring staff members were working on achieving results deemed important by NLSLA.

Collectively, over 100 staff members worked through a variety of exercises at "all staff" meetings over the course of months to develop a vision statement that reflects our work and philosophy. Our resulting vision statement is: "Neighborhood Legal Services of Los Angeles County, a private, non-profit law firm, envisions a day when communities in Los Angeles are strong enough to decide their own destiny; where access to justice is not predicated on social economic status; and everyone has income security, adequate housing, quality education, healthcare and the opportunity to improve their own lives."

This vision statement informs the seven program-wide goals we set out to accomplish in 2011. Goals areas include: 1) client services; 2) high impact systems change; 3) partnerships; 4) projects and grants; 5) private attorney involvement; 6) organizational enhancement; and 7) professional development.

Each staff member then sets up to five very specific goals that link to the overall program goals. Each goal is tailored to their particular position and experience level, and tied to the work that they are already doing.

Goals are required to be “SMART,” that is, Specific, Measureable, Agreed upon, Realistic, and Time bound. These goals help to organize the work already there and set measurable results for the advocate. By aligning staff goals with the overall program goals, individuals can see more clearly how they contribute to the organization’s success. Furthermore, by having specific, measurable goals, much of the subjective nature of the annual performance review is removed.

The goals cascade down from executive director to receptionist. For example, the director may set a goal of fundraising x amount of money for x particular projects. A supervisor will set as a goal to ensure that those s/he supervises meet 95% of the deliverables and outcomes specified by x project. A staff attorney will set as a goal to complete y number of meritorious cases, that meet program priorities, that will satisfy x project. A support staff person will set as a goal to accurately complete the business paperwork to document that the work under x project was done accurately and on time in 95% of all cases handled.

### **Performance Factors**

Although staff is evaluated on their performance of program goals, this is not the sole evaluation factor. Rather, staff is evaluated based on seven performance factors we have identified as critical skills and capabilities to be successful in our organization: 1) communicating; 2) managing work; 3) working with others; 4) advocacy work; 5) professionalism and ethics; 6) managing ideas and solutions; and 7) leading others. We provide an appendix to all staff defining in detail each of these performance factors. The rating scale ranges from “1—unsatisfactory” to “5—outstanding”. A rating of outstanding means the person has distinguished performance that sets a standard that is seldom exceeded. We provide various examples of the rating scale measures.

### **Development Planning**

In addition to the five program goals described above, staff members also establish two to four development goals to improve performance, grow expertise, or further strengthen areas in which they are already particularly strong, with the intention of making them “world class.” Development can include training and coursework to gain additional knowledge, but is more likely to emphasize “stretch assignments”—taking on new projects and assignments that would require them to grow and stretch themselves, both personally and professionally. This could mean gaining litigation ex-

perience or advocating for a particular policy reform. Development planning is a key element of our performance management system as we seek to develop all of our staff, from receptionists to senior management.

### **Interim Coaching and Tracking Progress**

Although we encourage supervisors to coach and support their staff throughout the year, at the sixth month supervisors have a more formal check in with staff to do interim coaching and to track progress. The supervisor and staff have an opportunity to dialogue about performance to date and expectations. The discussion may address position responsibilities, performance factors, performance goals, or development goals. It is also an opportunity for the supervisor to learn more about how they can better support staff members in accomplishing their goals. The mid-year check-in is crucial to capture and address issues as they occur, and to recognize and praise accomplishments to date, rather than only at the end of the year. This is becoming particularly more important as the new generation of Millennials want, and need, timely feedback and coaching on their performance. Amendments to responsibilities, performance goals, or development goals may be made at this point.

### **Performance Evaluation**

At the end of the year, each staff member completes a self-assessment to reflect on their own performance. Supervisors take the self-assessment into consideration as they evaluate staff performance based on all the elements described above, and a meeting is held between staff and supervisors to discuss performance and development results. The supervisor and staff member identify three key strengths and three key areas for development for the coming year. This concludes the process for the year.

At the beginning of the year, the process begins anew, with the development goals and plans carried over to the upcoming performance year.

As advocates, our ultimate goal is to provide the highest quality legal services to our clients. To this end, we must develop highly skilled advocates, and use a comprehensive framework to continuously strengthen and improve the quality and performance of work and the capabilities of our staff. If we can manage to do these seemingly simple yet actually very difficult tasks, then we are on our way to success.

We will keep you posted on our Performance Management progress.

## Example: Legal Aid and Defender Association of Detroit

By Michelle Johnson, Director of Litigation<sup>2</sup>  
Legal Aid and Defender Association

### Planting and Growing Effective Advocates

Ask almost any manager to identify the most time consuming and difficult part of being a supervisor, and the answer will frequently be evaluation (and discipline). Frequently managers and supervisors expect to perform a (dreaded) annual evaluation of their staff once a year, and then not think about the issue again for eleven or twelve months. This process results in an annual report card that attempts to provide a snapshot of the advocate at "evaluation" time. This snapshot typically is concerned with how the advocate is meeting the organization's goals. It does not usually have a component which thoughtfully considers and addresses the professional goals and growth of the advocate. The annual snapshot evaluation is not usually a long range plan for increasing the effectiveness of the advocate to the benefit of clients or for the growth of the advocate. Performance Management, however, accomplishes both of those tasks, and more.



Throughout my various management-level positions at the Legal Aid and Defender Association of Detroit (LAD), I have been involved in numerous interviews, for advocates, support staff, and supervisory staff. Outlined below, is the framework of how our Civil Law Group approaches performance management, and some thoughts for consideration about the process.

*Managing staff performance should start before you hire your candidate. It should start with the search and interview process.*

When seeking to fill a position, we conduct in depth discussions about the substantive /job area. We do not use the old model of asking candidates to identify areas of strength or weakness, but ask questions that probe in depth into the candidate's articulable experience. You could ask for an outline of a challenging issue addressed to a specific substantive area, or pose hypotheticals to determine if the candidate can accurately spot relevant issues.

During the initial interview, we also provide a detailed overview of our supervisory structure and general training regimen. Many of our candidates

have inquired about what kinds of training would be available to equip them with the skills and substantive knowledge necessary to fulfill the expectations of the position. We have found this discussion to be important for both newer attorneys as well as experienced attorneys. Our supervisory structure requires things such as review of all correspondence prepared by new staff, and ongoing review and approval of pleadings for all advocates. We also have a general training regimen that we require for all advocates. In limited cases, some advocates may be exempt from certain portions of the training regimen, but the vast majority are required. Setting this expectation at the outset sets the tone and helps to equip the advocate for success in our organization.

### *Providing the expectations for performance upon hire.*

Our Civil Law Group's supervisory and evaluation procedures provide for three major written components: quarterly caseload reviews for every advocate, a mid-year short form evaluation, and a detailed annual evaluation.

- **Quarterly case reviews.** The focus of the quarterly case review is to determine the appropriateness of legal work being performed, ensure that the cases are progressing in a timely fashion, and check compliance with funding source criteria as well as office procedures. The results of the case reviews help identify areas where advocates need support and provide a platform for discussion about areas of interest of the advocate to expand his/her knowledge base and professional growth.
- **Comprehensive evaluation.** During orientation with new staff to my unit, I provide a copy of the detailed annual performance evaluation form that will be used at the end of the six month probationary period and annually thereafter. By providing a copy of the evaluation, which encompasses overall performance as an advocate but also expectations of the new person as a member of the staff in general, it provides a roadmap that can be used to excel. The document specifically lays out LAD's values through the areas evaluated, which are more than just the specific legal work. Our process also looks at areas such as community involvement; the extent to which the advocate not only pitches in when asked, but goes further to volunteer to assist coworkers and to participate in internal and external projects; and the contribution of suggestions to improve the operation and processes of the law group.

- **Mid-year review.** This is a short form version of the comprehensive evaluation. This provides a quick “check in” with the advocate to see how they are progressing along the expectations for the year. Both the mid-year review form and the comprehensive annual review form provide space for goal-setting and the opportunity to adjust the weightings to include assessment of progress towards the stated goals.

### **Some Thoughts on Designing an Effective Performance Management System**

*View your performance management system with a focus on the organization’s mission/values/needs.*

The fundamental goal of performance management is ensuring that your staff are performing in a manner that is consistent with meeting your organization’s goals and mission. If your organization is focused on innovative advocacy, it should be reflected in how you evaluate, mentor, and support your staff. Your performance management system should purposefully include components where you seek out and reward staff for innovation. It should also provide opportunities for staff to be exposed to settings where innovation and creation are apparent, such as national conferences which provide introductions to new approaches to service delivery.

*Start your candidate search and interview process with a focus on the organization’s mission and vision, not just to fill the empty slot on the organizational chart.*

Performance management should start as soon as you begin seeking a candidate for an open position. It should not wait until the person is on board. There are several points before the “hire date” where you can begin to set clear expectations of the new hire. Start with your position announcement and job description. Do the duties and responsibilities listed accurately reflect what will be expected of the successful candidate? The requirements should be clearly and specifically listed. This is the first measuring stick you will use to evaluate and manage the performance of your new staff person.

Another idea is to incorporate your organization’s mission and vision into the interview process. Read the organization’s mission and vision to the prospective candidate.

*When starting the successful candidate, review the duties and expectations for performance.*

Set out the performance appraisal and management process. Set regular times for check-ins during any probationary period and well before any written formal appraisal. If the candidate will be evaluated on oral advocacy, be sure to schedule time for observing performance and timely feedback on the observation. Set out a clear expectation and regimen for provision of both substantive knowledge and skills-based training to ensure the advocate has the essential skills to perform to the level of your expectation.

*Performance management is not just an “annual evaluation.”*

It should be a plan for development of the individual, while keeping in mind the needs of the organization. It is an opportunity to set goals, with reasonable, understood, and agreed timeframe expectations for reaching the goals. There should be clear, specific consequences for not meeting the expectations. The focus should be the performance over the whole management period, and do not let recent good/bad events overshadow the whole period.

### **Moving from Annual Appraisal to Performance Management**

*The move to performance management requires a culture shift.*

It requires the understanding and agreement that more will be required than just a once a year report card. To that end, you should consider what conversations are needed with upper management and amongst the management group to get buy-in.

*You will also need to consider and plan for any training that will be necessary for supervisory/management staff.*

If your organization has only performed the “once a year report card” evaluation, the supervisory/management staff may need support in learning to set goals and incorporate those into a continuous process of providing feedback and opportunities for growth. There may also need to be work centered around:

- relating the individual’s goals to the organization’s mission and vision;
- motivation and recognition of seasoned or “uninspired” advocates;
- recognizing and addressing the person who turns out not to be the “right fit;”

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- assessing the person who is satisfied at the level they are performing; doing a good job for the clients, without being inclined to do more;
- dealing with the nice person and/or long time employee, who is unable/unwilling to perform as needed.

Performance management is an ongoing process that includes evaluation, feedback, mentoring, training, and other aspects designed to support the growth and enhancement of staff. The goal is to create a plan that addresses both the achievement of the organization's mission as well as the advocate's professional goals.

- 1 Dora Luna is Managing Attorney, Neighborhood Legal Services of Los Angeles County (NLSLA). After graduating from Loyola Law school in 1996, Dora joined NLSLA as staff attorney focusing on government benefits issues. She later served as Supervising Attorney in the government benefits unit. From 2005-2008 Dora joined the Western Center on Law and Poverty and focused on welfare and food stamps policy and litigation. Dora re-joined NLSLA in 2009. Dora may be reached at [dluna@nls-la.org](mailto:dluna@nls-la.org).
- 2 Beverly Weise is president of Leadership Talent Solutions. She can be reached at [Bev.Weise@LeadershipTalentSolutions.com](mailto:Bev.Weise@LeadershipTalentSolutions.com).
- 3 Michelle Johnson is Director of Litigation for the Civil Law Group of Legal Aid and Defender Association, Inc. (LAD) and project director of LAD's foreclosure prevention unit. Michelle has been involved in various aspects of public interest work during her career and was a litigator in the law department of a major metropolitan city for several years. In her tenure at LAD, she has also litigated and supervised cases in the areas of housing, consumer, and education. She has helped implement and manage several special projects including a medical-legal partnership. Michelle may be reached at [mjohnson@ladadetroit.org](mailto:mjohnson@ladadetroit.org).