



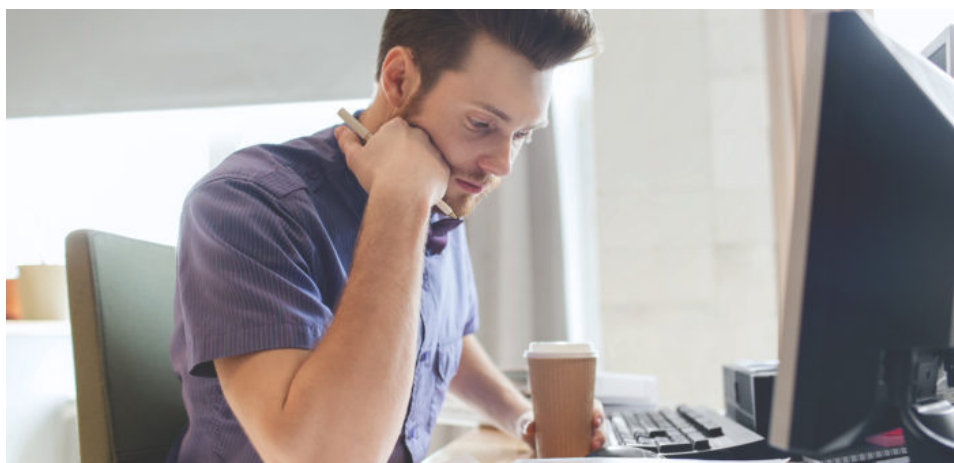
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## Dealing Effectively With Underperformance

BY ANNE COLLIER ON NOVEMBER 14, 2016

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One of the most difficult challenges a manager faces is effectively dealing with an underperforming employee. Sometimes the manager suspects that an insurmountable obstacle is preventing the otherwise talented employee from meeting expectations. Add to that the frustration and time it takes to counsel the employee, give the employee the opportunity to correct the problem, and to document the process accordingly. And, if the employee doesn't correct the problem, the manager must implement a performance improvement plan (PIP) or take more drastic action.



The vignette below illustrates how the manager can address underperformance in a practical way, by being direct and collaborative using two communication models. Used appropriately, these models will enable the manager to:

- Make the firm's expectations clear with respect to work product and behavior.
- Engage the employee in resolving the identified challenges.

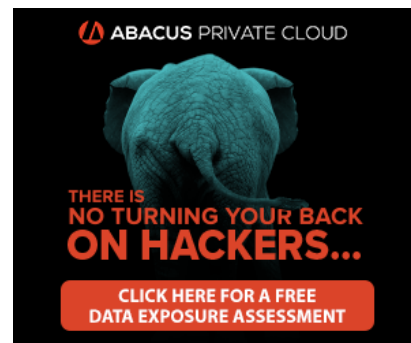
A benefit of using this process is that the manager has either resolved the problem or laid the groundwork for a PIP or termination. If the latter, using the techniques will lead to the employee feeling more fairly treated, which means



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a smoother transition. Critically, no question will arise about whether the person understood and met the expectations. No one enjoys having difficult conversations, and, while direct, these techniques are not confrontational, which increases the likelihood and ease with which the manager will initiate and execute the conversation successfully.

## Meet Pat and Chris

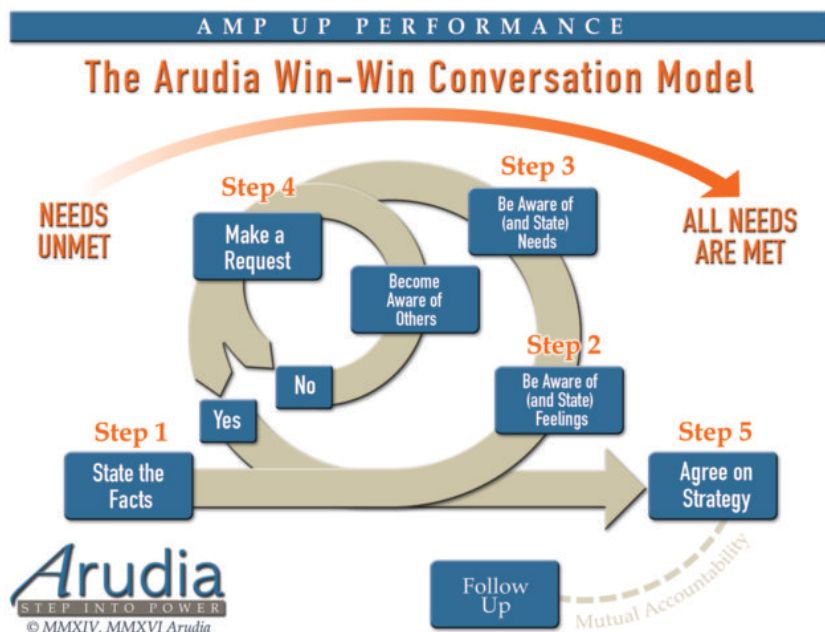
Pat could be a practice group chair, partner or the chief talent officer. Chris could be a junior associate or a staff member. The firm could be big and multi-city or a 25-person firm in the Midwest; it doesn't matter, because the techniques Pat demonstrates can apply to any situation in which behavior or performance is below standards.

Chris frustrates Pat with inconsistent and often late or last-minute completion of a project that shows inadequate reflection. Pat has discussed this with Chris on no fewer than numerous times. Pat's colleagues are calling for more drastic measures; Pat would too, but for the nagging feeling that Chris is capable of delivering excellent work on time. Pat also realizes that the appropriate procedures need to be followed and documented when counseling Chris. Pat hopes that with a more effective conversation, Chris will be able to turn his performance around. Pat also hopes to understand what's preventing Chris from delivering great work on time.

## Change The Style Of The Conversation

Pat decides that it's time for a different approach, and chooses a combination of *The Win-Win Conversation Model* and *The Coaching Model*. Using the former is necessary to keep Chris focused on resolving the problem, rather than being defensive. *Win-Win's* foundation is the paradigm shift from scrutinizing issues in terms of right-versus-wrong to a focus on problem solving to meet needs. Rather than focus on who or what's to blame, Pat will work with Chris to collaboratively create a strategy that will result in Chris supporting Pat and other partners in meeting the firm's or a client's needs.

To have a *Win-Win Conversation* follow the model below:



- **Step 1: State the Facts** neutrally and without judgment. This means stating the facts very concisely and avoiding loaded words such as "should" while maintaining a matter-of-fact demeanor and tone.
- **Step 2: Be Aware of and State Feelings** as you deem necessary. Feelings such as concern and frustration are common and generally considered acceptable in the workplace.



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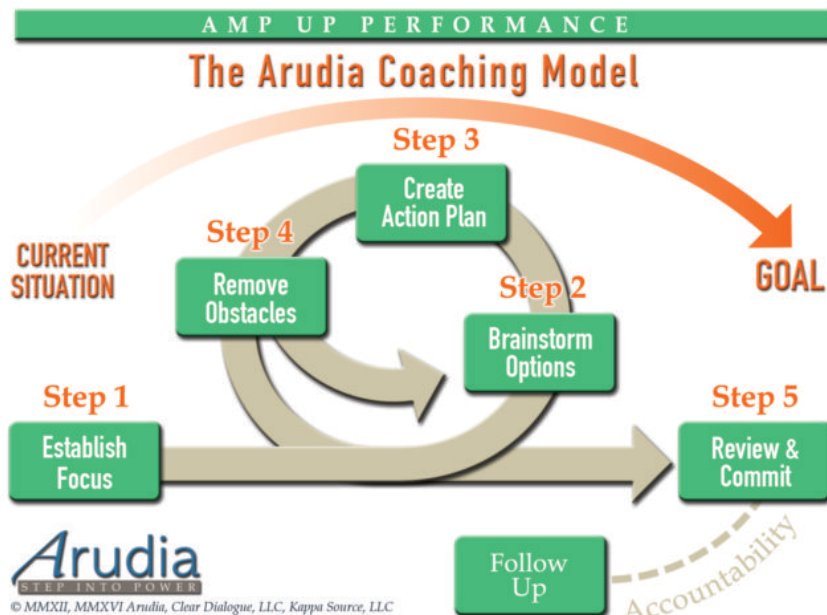
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- **Step 3: Be Aware of (and State) Needs** as necessary. It's important to distinguish between needs and the range of strategies that might satisfy those needs.
- **Step 4: Make a Request** using the "magic" language, "would you be willing to...?" The phrase is effective because it is clearly a request, as distinguished from a demand, which is more likely to foster collaboration and alignment.
- **Step 5: Agree on Strategy** by working through details such as deadlines and resource needs.

At its foundation, *Win-Win* requires you to distinguish between the goal and the strategy, to be aware of your own and other's feelings and needs with respect to a particular concern, and to work towards a strategy that meets both parties' needs. Note that implicit in any strategy in which Chris supports Pat, Chris becomes more successful. In working through a performance issue, be sure to distinguish between goals and strategy, getting alignment on the former first. It's easier to work through any challenge when you start with agreement on the goals.

When it comes to supporting an employee in identifying solutions, the manager will ask open-ended questions. Think about it: if an employee struggles with performance, and instead of developing a new strategy, all you do is reiterate that the performance is unacceptable and give the same ineffective advice, you won't see improvement because the employee won't know what to do differently. If, on the other hand, you're using *Coaching Skills* along with *Win-Win*, you are more likely to achieve buy-in to the process, and leverage the employee's best thinking on not just on identifying what he or she needs to meet firm and client needs, but on how to implement the strategy.

The Coaching Model below outlines a five-step problem solving process. The use of open-ended questions is the hallmark of a coaching style of communication.



- **Step 1: Establish the Focus** of the conversation, which means asking open-ended questions to clarify the topic, goal and takeaway for the conversation. A manager should clearly state the goal and make sure it is understood.
- **Step 2: Brainstorm Options.** Ask open-ended questions to support your colleague in identifying options.
- **Step 3: Create the Action Plan.** Ask open-ended questions to support your colleague in developing an action plan. This step is particularly important for colleagues who get comfort from working out detailed steps.
- **Step 4: Remove Obstacles.** Ask open-ended questions to support your colleague in identifying challenges to successfully execute the plan created in Step 3 on a timely basis.
- **Step 5: Review and Commit.** Ask open-ended questions to support your colleague in reviewing and committing to what will be done, by whom, by when and establish a follow-up schedule. This is the most

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forgotten step, but it is important to ensure alignment regarding the plan and the schedule.

- **Follow Up.** Ask open-ended questions to help your colleague identify what worked, what didn't, and the opportunities for improvement. In this manner, accountability is a positive, supportive experience.

Here's what a conversation between Pat and Chris might sound like:

*Win-Win* Steps 1 through 4: Pat begins with, "Chris, on Tuesday I asked that you draft and share with me a complete analysis by the end of the day Thursday; you emailed it to me three days late, on Sunday night. It was not what we need. I am concerned that if you're unable to meet deadlines and provide a thorough analysis, we won't be able to rely on you to satisfy the needs of our client, which is career limiting at best. Would you be willing help me understand what happened so that we can figure out how to fix this?"

Chris responds, "I know, but I had so much to do last week that I couldn't get to it until Saturday afternoon.

Pat says, "Tell me more."

Chris responds again, "Well, I am not really sure what happened. On Tuesday, when we discussed the project, I was sure that I could turn to it that day. Then, Jamie emailed me from Europe with a 'crisis project' so, of course, I had to turn to that. Then Wednesday morning I realized I had never gotten Terry the memorandum I promised, so I hustled to finish that. In the meantime, the deal I am working on heated up, and I was here all night turning around documents and looking into issues. Thursday morning I really did intend to focus on the analysis, but Jamie got back to me with follow-up issues to work on, which I finished on Friday. By that time, I needed some sleep. So I started the analysis for you on Saturday, worked all night and then emailed it to you on Sunday."

*Win-Win* Inner loop of Awareness of Others: Pat, not surprised by any of this, paraphrases, "It sounds as though you experienced a combination of bad timing compounded by a lack of organization. I would guess this was pretty stressful."

Chris sheepishly nods and Pat asks, "Did you communicate any of what was going on to anyone you were working with or seek out advice from anyone?"

Chris, "Well, when I first started here one of the senior associates told me that it was career-ending to tell anyone that I had too much work – I'm just supposed to get it all done so that's what I did."

Raising an eyebrow, Pat responds, "Really? Let me clarify the firm's expectations. First, yes, as a general matter, we expect you to work hard, but we also expect you to deliver on your obligations. Second, when your ability to deliver excellent work product is jeopardized on any one project, you need to let the person relying on you know. While you may have done the work, the analysis you provided me was not only late, but not what I needed. I've heard similar comments from Terry and Jamie. Our clients expect the best from us and we need to deliver the best. Does this make sense to you? Do you have any questions about our expectations?"

Chris responds, "I understand, but I don't know what I am supposed to do differently."

Switching to *The Coaching Model*, Step 1: Establishing the Focus, Pat says, "That's what I want to focus on now. My goal is to help you come up with a strategy for ensuring that you consistently deliver excellent work product on time."

Step 2: Brainstorm Options. Pat asks, "What do you think you could do differently?"

Chris responds, "Well, I don't know . . . I try to be organized. I think what threw me off this time was that I forgot about the memo for Terry. I don't know how that happened. I used to keep a list of everything I was working on . . . I am not sure when I stopped. So I guess if I kept a list that would work."

Pat asks a few more open-ended questions to elicit Chris' ideas on strategies for staying organized and then

says, "Let's talk about your work quality. We're concerned."

Chris interrupts, "I know, I know. I am confident if stay organized that my work will be excellent. When I rush and am too tired the quality of my work suffers."

Nodding, Pat moves on to Step 3: Create the Action Plan. "What will you do by when?" Chris responds with a list of tasks drawn from the brainstorming and a timeline for each task. Pat then asks, "What might get in the way of your success?"

Pausing to think, Chris says "I think the project list and weekly and daily planning are key. Maybe I need to put a reminder in my calendar for planning and then print out my list and mark it up rather than keep it electronically. Yeah, that's it!"

Pat asks Chris to review the tasks, including due dates, and they agree to meet again in two weeks and then monthly to ensure Chris stays on track. Chris promises to come to Pat and the other partners before getting behind.

Using these communication tools, Pat gained an understanding of Chris' challenges and further used Coaching Skills (i.e., opened-ended questions) to support Chris in developing a plan to remove the obstacles to success. The plan included follow-up to support success. Happily, Chris' work product became consistently excellent and on time. Chris worked hard, wasn't frazzled, and slept more.

## Conclusion

If you're a manager trying to successfully address performance issues, using *The Win-Win Conversation Model* and *The Coaching Model* gives the poor performer the best chance at turning things around. In the foregoing example, the employee modified work habits to achieve success. But what if the employee had continued to fail?

Notice how the manager clarified expectations and addressed misconceptions. Also notice that the manager worked with the employee to uncover and plan concrete steps for the employee to resolve obstacles to success. Given this collaborative approach, the employee likely feels respected and that the manager provided a real opportunity to succeed. Then, as long as you have also addressed any training needs, you've done all you can. If the employee is unable or unwilling to follow the plan, the employee will likely realize that the job is not a fit, resulting in a resignation or fairer-feeling termination, which is easier on everyone.

Many managers are often initially reluctant to try this approach. They've expressed concerns that "it wouldn't work if the poorly performing employee didn't want to change." One such manager reports that:

"In just my short experience using this method, I have found that it is effective even in... a situation [in which an employee didn't want to change]. In such case, I think the "would you be willing" question caused the person to realize that he did not want to change or do his part. That person chose to leave. In an odd way, I think facing that question was eye opening for the employee. In other cases, I think phrasing it as a question caused the problem employee to own his obligation to contribute to the solution."

Consider using all or portions of *The Win-Win Conversation* any time you want to gain clarity with respect to the other person's needs or raise a potentially difficult issue. Consider using all or portions of *The Coaching Model* anytime you want to foster buy-in or support your colleague in thinking creatively.

## About the Author

**Anne Collier** is the founder of Arudia, an executive coaching and leadership development firm in the Washington, DC area. She is a board member of the Women's Bar Associations of DC, a member of the ABA Law Practice Division's Women Rainmakers and Productivity and Knowledge Strategy Committee, and a frequent author. Contact Anne on Twitter [@stepintopower](#).

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