



CONVERT NEW HIRES INTO FUTURE SUPERSTARS

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Last month I wrote an article entitled “Firing With Finesse.” It provided some of my top tips, and offered to provide resources on hiring and/or firing for any PBA members who sent a request. The response was amazing. My appreciation goes out to all who followed up by requesting materials, and especially to those of you who wrote just to let me know how helpful the information was for you. It was particularly gratifying to hear from HR and Office Managers from so many large firms.

In this issue I turn my attention to the beginning of the employment relationship. I want to share with you some of my top tips for success. These techniques have been developed and refined over many years. Hopefully there are a few gems for you to put to use at your firm. Let me first reiterate the offer I made in the last article. If you would like a copy of my resources on hiring and/or firing, please send an email request to lawpractice@pabar.org. You may also want to request a copy of “Hiring Techniques to Ensure Success,” which appeared in the January/February 2002 issue of *The Pennsylvania Lawyer*, and/or “Making Better Hiring and Retention Decisions: Think *Inside The Box*,” which appeared in the November 1, 2010 issue of *The Pennsylvania Bar News*.

1. **Get off to a proper start.** I’ve never understood why some firms literally bully new hires to start right away. This can create a negative attitude before a new hire even starts. Believe me, you can manage to get by another week or two beyond your original expectations, while the candidate gives proper notice, and perhaps indulges in a few days off before starting.

The amount of notice that the candidate will request should be commensurate with their position, and not necessarily their tenure. A secretary or paralegal should be comfortable with two weeks. Other staff members may be comfortable with just one week of notice. An office manager, administrator, bookkeeper or attorney will typically request a month of notice for their former employer.

If your candidate requests another week or two because of how dependent the firm or their attorney is on their work, or because they've been with their employer so long, I urge you to resist the urge to push them into giving less notice. You will likely succeed if you do. Most people know that their bread is inevitably buttered by the new employer. But I promise you that the uncomfortable position you put them in will ultimately come back to haunt you in spades.

Similarly, if your candidate wants a few days or a week to "clear their head" before beginning, you are wise to grant it. Starting a new job is highly stressful, and a brief sabbatical can greatly help someone rise to the challenge.

Another key element to getting off to a good start centers on the timing needed in your office to set up a proper orientation and training, and get the workspace set up. Rushing a candidate to a start date when the office manager will be on vacation upon their arrival is just plain stupid. The person will wander about lost and stressed, and rapidly become devalued in the eyes of those around him/her. The same applies for bringing them in before there is a desk, and appropriate equipment. If your firm is in rapid growth mode, it can be difficult to remain "ready" without overbuying.

I remember clearly a partner bringing a new associate to my office to introduce me. "Congratulations," I said — my mind was already starting to worry about a lack of office space, equipment and furniture currently available — "I'm sure you'll really enjoy your decision to join us. Have you established a start date yet?" I was hoping that there would be ample time to prepare. Especially because we already had two new attorneys temporarily working out of our library, and there wasn't a nook or cranny available until 2 soon-to-depart attorneys were gone. Unfortunately, the partner responded, "Today is her first day. I've introduced her to everyone in my department. She's all yours now." AARGH!

We had a very good training and orientation program established, but there was no time to get anyone scheduled to do their part. And where did I have to put the associate? I am embarrassed to say that she spent her first week working on a snack table in the handicapped stall of the ladies room. Seriously, I had to post a "do not flush if associate is dictating" sign on the door. Sure, you're probably laughing pretty hard at



the absurdity. But at the time, neither she nor the administrative staff found it the least bit amusing.

- 2. Train, train again, cross-train, and retrain.** Training is not and should not be considered optional. People should not be thrown into a sink or swim environment. Never. I don't care what position they hold, whether staff or professional.

Your firm should not assume they will just "pick it up" as they go. Your firm should not assume that because they have experience elsewhere, perhaps at a firm whose reputation you admire, that they will do things at an acceptable level or procedurally proper for your firm.

When you employ this methodology there are numerous repercussions. The employee gets the impression that the firm is not vested in their success. Some with paranoid tendencies conclude that the firm is setting them up for failure. Poor attitudes are born which can derail the most promising of candidates. Errors are made which can be embarrassing for the firm or even a cause for a malpractice claim. Productivity and morale of those around the untrained employee suffer, as they struggle to do their own jobs, and monitor and correct errors, plus offer assistance when asked or able.

If the new hire is a staff member, make no mistake about it: people will be carefully watching and judging every move. Confidence can be earned or lost in a nanosecond. If a staff member fails to gain the confidence of their professionals and/or supervisors, they will likely be doomed to failure within the first week. Thereafter, they may never be able to win that confidence back.

Lateral partners and associates suffer greatly when they are not properly trained and oriented. It isn't just about staff learning where the envelopes and letterhead are, believe me. I've seen lateral partners shown to a desk and expected to perform, without knowing the simplest things like how to request trust funds be transferred, how to set up their billing format, open files, record time, get secretarial overflow assistance, make travel arrangements, and more. In one client's case, a lateral's practice fell off a whopping 50% in the first year, as he struggled to get acclimated.



Checklists will ensure that all details are properly covered. Sample packets make retaining the knowledge easier. Studies show that people will only remember about 40% of what they're trained on, at best. So you want to make sure that you cover every administrative and procedural detail. By the time the new hire arrives at their desk, they should be running at full speed, and know who the appropriate person is to ask further questions of, on any topic.

To give you an idea, all of my training was conducted by myself and other key staff. From bookkeeper to receptionist to billing clerk, everyone had a role. Everyone had a checklist, and was trained in how to do their training. Staff training encompassed their first 3 full days. Each of those days a different volunteer staff member took them to lunch, at the firm's expense, to establish rapport, share folklore about the firm, and answer questions. Attorneys had one and one half days of training, broken up into 3 half day sessions. We did it that way because we knew that work would be waiting for them, and there would be pressure to dive in. Each day a different volunteer attorney took them to lunch, at the firm's expense, to establish rapport, share folklore about the firm, and answer questions. After that, I made sure that their mentor (for associates) checked in regularly, as did I.

What if you're a solo or small firm? If you don't have the resources yourself, you can hire an outside HR person to assist you. Bring them on board to help with a new hire. They will create what you need in terms of samples, checklists etc. Thereafter, you can engage them again if needed, or use the materials to do it yourself.

Not to overly belabor the point, but keep in mind that today's candidates are not at the same skill level as previous generations, when they arrive at the door. This is particularly true of staff. So you need to plan for making up for the lack of skills in your training program.

- 3. Honest feedback is essential!** Dishonest evaluations serve no purpose other than to help avoid some temporary discomfort caused by having an open discussion. You will still get the performance which fails to meet expectations, and the employee will remain oblivious to their own shortcomings. And at worst, you may wind up with a wrongful discharge suit on your hands if the employment is terminated.



Remember this: praise publicly, and criticize privately. Don't just focus on what someone does wrong, and provide feedback only then. Instead, try to give positive feedback when the employee does it right, even if it's just what they're supposed to do. It's a lot easier to digest criticism when there has been a meaningful measure of praise along the way.

Don't wait for a once-a-year review to give feedback. Give it immediately, or as soon as possible. Then document the discussion so that at annual review you can return to a discussion of the issue to determine whether progress was made.

When you criticize, be very specific as to what is desired, and what is not. Don't leave people guessing. Oh, and did I mention recently that "mind reading" is not an acceptable component of any job description?

I remember a new young associate coming into the head of the litigation department to sheepishly ask "how was that motion I drafted?" Clearly he was looking for valuable feedback. "It was fine," the partner responded. After the associate withdrew and closed the door, the partner picked up the motion from his desk, and waving it with a flourish, said to me "This is a total piece of garbage. No way it can be improved. It would take me way too long to point out all the deficiencies. I'm better off redoing it myself." And with that, he threw it into the trash can under his desk.

I was shocked, of course. I encouraged him to rethink his position. With his attitude, I pointed out, the associate would never improve sufficiently to be suitable for the position for which he was hired. That certainly wasn't the expectation we created with the associate during the interview process. Ultimately, I was correct. But not before the firm spent quite a bit of money, and the attorney lost considerable career momentum, before being terminated. To this day, the attorney has nothing nice to say about his experience with the firm. I am grateful that he later found a more nurturing position and was able to develop his skill set and ensure his success. But there is a lesson to be learned here. Don't just assume someone can't learn to improve or change habits. Give them a proper chance — a fighting chance — to prove you wrong. If they can, you will both benefit.



4. **Equal and fair treatment should apply to all.** This is something I have come to learn over the years. Bestowing favoritism on someone because of who they work for, or how long they have been with the firm, creates what legal administrators lovingly refer to as “sacred cows.” These are people to whom the same rules don’t apply. And they sure like to rub everyone else’s nose in it.

Although you may think you’re doing the right thing by “spoiling” your employee, or at least avoiding a petulant employee, what you are doing is creating a future morale problem. One which will not be easily undone. That morale issue will become an impediment to teamwork, create in-fighting, and increase turnover. (Ok, admittedly turnover usually only occurs in a robust job market. But just because an employee is afraid to make a move, doesn’t mean they’re happy in their job. And it certainly doesn’t mean you’re getting their best efforts.)

Special recognition can be easily bestowed by bonus, public praise, or an occasional gift such as theater tickets or an AMEX gift card. All such choices are preferable to allowing someone to disregard workplace rules regarding start or stop time, duration of lunch hour and so forth. Now, if you want to have a very flexible office, that’s great. I’m all for that. But being inflexible for everyone except “Susie” is unacceptable.

One way for people to know they are being treated fairly is to put benefits and office policies in writing. You don’t have to have an expensive or complicated staff handbook created. You can just have a 3-ring binder in which you gather the memos issued from time to time which spell out the benefits and rules. If you have more than just a few employees, however, you really need a handbook. Fortunately, ABA publishes a template specifically for solo and small firms, with a CD, and you can fill in the blanks to suit your office.

5. **Know when enough is enough.** Many firms delay the inevitable too long. Hiring is not a precise science. Mistakes happen. Even with a great training and orientation program, and even with great interviewing techniques, hiring mistakes can and do happen. If you’re provided candid feedback, and allowed the employee reasonable time to propose an improvement plan and try to implement it, don’t suffer too long.



Don't every try to force someone to quit on their own by making their working relationship with you miserable. Trust me, you'll get it back in spades, and it will turn into a battle of the wills.

Make it consistently clear that performance is lacking. Genuinely and openly discuss it. Allow the employee to try to correct the situation. Be compassionate and tolerant, but do not accept poor performance. You will find out that in most cases, if the employee concludes they are incapable of meeting your standards, he or she will find another job and leave with their head held high. And they will respect you for having been honest but not cruel.

However, if you don't get the desired performance in a reasonable length of time —usually in this case the employee is doing their best, which is not good enough, or just doesn't “get it” — then pull out my “Firing with Finesse” article, and put an end to it.

These are just a few tips of mine, and as you can see, they encompass a lot more detail than my termination tips. That's because it's in your firm's best interest to do a much better job of training and orientation, so as to avoid the whole termination process if possible. Yes, you will probably still have to terminate someone here and there. But the goal should be to work toward an employee's achieving a long and successful tenure with your firm. Keep that firmly in mind, and you will achieve the goal more often than not.

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