

Ep #38: Delivering Effective Feedback to Legal Teams



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John E. Grant

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Managing people is one of the toughest parts of running any business, and that's certainly true in a law practice. And let's be honest, most lawyers, especially those running their own firms often don't get a lot of training on how to be an effective manager.

In today's episode, I'm going to respond to some things that I've seen out in the broader media lately about how to hire and train and motivate and engage the members of your team. And I'm going to give you some specific actionable ideas for how you can improve your people management skills. I'm going to start by challenging the common practice of using a criticism sandwich for delivering tough feedback and I'll let you know what you should think about doing instead. Ready to become a more agile attorney? Let's go.

Welcome to *The Agile Attorney* podcast powered by Agile Attorney Consulting. I'm John Grant and I've spent the last decade helping lawyers and legal teams harness the tools of modern entrepreneurship to build practices that are profitable, scalable, and sustainable for themselves and their communities. Each episode I offer principles, practices, and other ideas to help legal professionals of all kinds be more agile in your legal practice.

Hey there, welcome back to the podcast. So, this week I want to talk about a couple of different topics related to managing people. And I'm not sure how much they have to do with each other at first blush. But there's a couple of different things that I've seen out in sort of maybe not mainstream media, but just out in the world around things having to do with the hiring and managing and inspiring of employees, especially young people. And I think that there are some lessons to be learned from that, that can be effective for people running law firms with other people of all ages.

And the first one actually comes from the world of youth sports coaching. And I'm going to give you a little bit of backstory for me personally and I can't remember if I have talked about it on the podcast before. But I've

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spent the last 12 years involved in coaching youth sports in some way or another. It's been really one of the most gratifying experiences of my life. And it's been a great way for me to spend quality time with my own kids and their friends as they get older and grow, and both within their sports and obviously as people overall. And it's just an amazing thing to see.

And most of that coaching has been in youth soccer. And I started coaching in youth soccer the way a lot of people, I think, start in youth soccer. I didn't play organized soccer beyond third grade. I grew up in a football town. I was a football player, a track athlete. But when my oldest son was in kindergarten he wanted to join a rec soccer team. And obviously, that's not high quality soccer at that point. And so, they needed an assistant coach. And they said, "Look, all you've got to do is stay a few steps ahead of a kindergartener," which I figured I could do.

And from that moment, I was hooked. And again, I've been doing this for, I think, 12 years now in some form or another. And after I was a few years into it and I try to be careful that people don't take too much offense to this, I don't actually think it's an offensive statement. I would sort of tell anyone who would listen that I have learned a lot about coaching in law firms and legal teams from lessons that I learned coaching eight and nine year olds.

People are people and the techniques that are effective in coaching and developing and motivating players on a sports team aren't really that different from the techniques that can be effective in coaching and inspiring and motivating people on a business team. But one of the really fortunate pieces of dumb luck that happened to me in my coaching career is when I was coaching my younger son's rec soccer team, and we wound up with a new player.

We were doing practices before school had even started, and there was a boy who had moved to town and wanted to join our team and it was great. It was a perfect environment for him getting to know some new players and some new friends, and they've remained friends to this day, which

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obviously was the whole point. But one of the things that I learned after a few weeks of coaching this kid is that one of his moms was a college soccer player. And that gave me a little bit of, okay, I need to make sure I'm on top of my game here because like I said, I didn't have a ton of experience coaching soccer.

Turns out later on that I found out that she is a coach herself and had been coaching a program at sort of a high level down in California. And on top of that, she is actually a vice president with an organization called the *Positive Coaching Alliance* and her name is Suzanne Sillett. And I consider her to be a great friend at this point. But back then I was kind of a little bit cautious. I'm like, "Ooh, boy, okay, am I going to get criticized? Am I doing it right," etc., etc.? Anyway, I'm going to fast forward a little bit.

I actually wound up getting to coach with Suz for a number of years. We both wound up coaching inside of a club soccer program for a few years. And I have just learned so much from her. And I actually might try to get her on the podcast, but I wanted to get this piece of information out first. So, I got an email just this week from the *Positive Coaching Alliance* and the headline of it is, the criticism sandwich is off the menu.

I think you know what I mean or what she means when we talk about the criticism sandwich. It's that thing where you say, "Okay, I've got to give someone hard feedback, tough feedback and the way that I'm going to do that is by sandwiching it between a couple of compliments." And we think this is a good idea, because we want to make sure that we're not making people feel too bad. Especially with young people, that we're trying to motivate them to stay engaged with the activity, with the team, with the particular practice sometimes.

But we also want to make sure they know when they're doing something, maybe not wrong or sometimes wrong, but at least sub-optimally. And the thing that Suz talks about in this article is that there's mounting evidence that the criticism sandwich simply doesn't work. And I won't quote her

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sources. I will drop a link to her article in the podcast notes and then you can go see where her sources are if you want to keep going that far.

But the first thing she talks about is this idea that we think that we're doing the receiver of criticism a favor by giving them this criticism sandwich. But what we're actually doing is making the person giving the feedback feel better. It doesn't really help the receiver of the feedback. In fact, it actually confuses them. And there's sort of two specific reasons it's problematic.

One is, like I said, and she quotes some research here, that when you try to soften the blow of the criticism with unrelated pieces of positive feedback, it just leaves the person you're speaking with confused. Should I believe I'm doing a good job on the one hand, because you gave me this positive feedback? Or should I feel like I'm doing something wrong? And do I need to be focusing on doing more of the positive things or do I need to be focusing on stopping the one negative thing?

It's a lot of decision making and it's hard for the person receiving that criticism to find anything actionable out of it. The other thing is that people see right through it. And even kids, they're like, "Oh, you're just glossing over or you're coming up with inventive ways to give me these compliments, but I see through that. The compliments aren't meaningful and you're just trying to soften the blow." And I see that happening. It's not fooling anybody.

And the answer, of course, or the solution that Suz talks about is that when you're going to give somebody criticism, give them criticism, and it's okay to be clear and direct. In fact, you're doing someone a favor by being really concise about what you're trying to tell them. And I'm going to just copy Suz's examples and read you Suz's examples.

So, if you imagine you've got a basketball player playing defense and the coach says, "Hey, nice hustle. You really need to close down the player with the ball, but keep up the good work." That's a really confusing message. Did I do a good job hustling or did I do something wrong? It's

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unclear. Whereas if you're a little bit more direct and you say, "Hey, I need you to close down your opponent faster. Yes, you've got a lot of ground to cover, but if you anticipate and get off the mark a little quicker, I know you can do it."

That's a direct piece of feedback. It's still encouraging, it's still positive, but it's really clear what the coach wants in the situation. And it's really clear to the player what their mandate is. Close down the player with the ball. And I can think of any number of situations in legal where you would do this, whether it's on written work product or the way someone is interacting with a client or even other members of your team. There's always going to be things that you can do to help give that direct feedback.

Now, that of course doesn't mean that you shouldn't be giving people positive feedback. In fact, the whole sort of mission of the *Positive Coaching Alliance* and they talk a lot in their presentations and other work around the magic ratio, which is their contention is, we should be giving five pieces of positive feedback for every piece of negative feedback. And again, I think that's a pretty good ratio to shoot for when we're working with members of our team.

And my guess is that very few of us are doing that and I get why. Giving feedback is time consuming. Alright, it's not that time consuming necessarily. I think if you get yourself in a pattern of recognizing things and trying to sort of catch them in the moment, then it doesn't have to be this sort of long, drawn out process. In fact, one of the things is we shouldn't wait for a specific time or ceremony in order to give feedback. I don't hold my feedback until the end of practice.

I try to give feedback to my players in the moment and the same should be true of you with the members of your team. If you see something happening, positive or negative, you want to reflect on it in the moment. But again, be conscious to make sure that the positive is outweighing the negative. We're making sure that we reinforce the behaviors that we want

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to see in addition to trying to correct the behaviors that we don't want to see.

And this is really consistent with principles from Agile and the Kanban method and stuff that I've talked about before about implementing feedback loops. And literally, criticism and praise, this is a form of a feedback loop. And the tighter we can make our feedback loops, the more effective they're going to be. If we catch someone doing something well in the moment and we comment on it. That is a really tight connection for them in their brains and they're more likely to repeat those behaviors because you caught it in the moment.

If it's something after the fact and you wait until the end of the day or even worse, you wait until a monthly one-on-one or an annual review, then they're not going to be in the head space. They're not actually experiencing the same things as they were when they did the thing that was good, and so they're not going to draw as tight a connection to the praise. And then again same thing for the criticism, they're not going to remember exactly why or what they felt like or what the situation was when they did something wrong that you corrected them on.

And so that negative feedback is going to come off more as a personal attack or a personal reflection as opposed to a behavioral issue or a criticism of a choice that somebody made in the moment.

Alright, a slightly separate but related topic and this is something that I really learned a lot from Suzanne when we were coaching together, in part because she just demonstrated this so beautifully whenever we were doing practice. But I want to make it clear that feedback and training are two different things. And this is another one of the anti-patterns that I see and it's easy to fall into when you're busy, when you're overwhelmed.

And as I said over and over again, when new clients find me, it's often because they're experiencing overwhelm. And when you're overwhelmed by the volume and the type and the intensity of the work that's on your

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plate, it's really hard to think of others. We are all told, put on your own oxygen mask before you help others. But we maybe can take that a little bit to an extreme or again, my solution is we need to turn down the temperature of the practice overall.

But the thing that Suz is beautiful at as a coach is that when we come out and set the tone for a practice, she's got number one, a clear plan ahead of time, we're not just winging it. Number two, she explains to the players what it is that we're working on and what the standard of success looks like. So, when we're working on shots, the thing we want to see is a combination of power and accuracy. When we're working on running, we want to see a certain thing.

Whatever it happens to be, we're really clear in the first part of practice, introducing the concept of what the standard of success looks like. And that then creates the conditions for our feedback to be both effective and contextual and meaningful. So, if someone goes to take a shot after we've talked about shooting technique in soccer and the ball kind of dribbles into the front of the goal. You don't even have to give that player the feedback that, "You need to kick it harder." You can say, "Hey, how did you feel about that shot relative to the things we talked about?" And they'll know, they understand what they're going for.

And then you can offer maybe a specific tip for, get where they need to put their plant foot or how they need to follow through better, whatever it happens to be. And this is something that I think we tend to do poorly in general as a legal profession. And obviously not all firms are like this, but I see over and over and over again where the way that we train new members of our team is, we sort of just throw them into the deep end on a project.

If it's a new lawyer, we might give them a complex assignment, or maybe even not that complex to us, but it's going to feel complex to them. And we just sort of throw them into it and say, "Yeah, figure it out, see what you can

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do.” And we think we’re giving them a good lesson in lawyering because you don’t always get clear instructions, you don’t always. And I get that line of thinking, but it’s not right. New people need guidance. New people need advice, and they need it from their mentors. They need it from their authority figures. They need it from their boss.

And if you establish this sort of way of working inside of your practice, that, yeah, I’m just going to chuck stuff over the fence at my team members and let them figure it out. You’ve now set the precedent that they’re just going to chuck stuff right back at you. And this is the root of so many problems I see with bottlenecks.

It’s the thing that Ben Hudson talked about in the interview last week where he has this role as basically the chief quality manager in his law firm. He has to do the quality check work on all of the documents coming through his practice. But he had this position where it wasn’t always predictable when that work was going to come back to him. And when it did come back to him, it often had highly variable quality. Because he in the early going wasn’t always great about setting a clear standard of what success would look like for that particular assignment.

And again, I’ll harken back to the principles from Agile and the Kanban method where we talk about making policies explicit, making our quality standards explicit, writing the definition of done, making it really clear what done looks like. These are all ways that we can teach the people on our team how to accomplish the thing that our work is meant to accomplish, which is a little bit different from teaching them how to do the work we have to do. We have to do both, but it’s really important and if you go back to episode 10, where I did a deep dive on law firm policies. You’ll find a lot of those same themes in there.

The other thing I think we miss when we engage in that sort of fence chucking assignment or this game of hot potato delegation, however you

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want to think of it, is an opportunity to engage more deeply with that person on your team.

We want to make sure that not only are we connecting with them, giving them an opportunity to reflect, to offer feedback, ask questions, clarify things. But we want to connect them with us and not only our sort of personal connection, but the mission and the purpose of the law firm overall or maybe the mission or the purpose of the client in this particular case.

I think this is actually a good transition into the other sort of news piece that I wanted to talk about today and this is a Newsweek article that came out a few weeks ago. And the headline on it is, companies are quickly firing Gen Z employees. And the upshot of this story is that although businesses in the US and Canada have hired a lot of Gen Z people and recent college graduates are now in Gen Z. So, for those of you that are used to blaming millennials, we're now moving on to the next generation. But what hasn't changed is this notion of blaming young people for not being ready.

So, this talked about survey results and basically the people who responded to the survey are basically saying these young people aren't ready for our work environment. They're not being trained well enough in college or substitute college for law school, and you can probably get to where I'm going here. Or they don't have the right attitudes about a job or they're lazy or uncooperative in the workplace.

And I'm old enough now to have heard this sort of thing about my own generation. I'm a solid Gen Xer, obviously this was a recurring theme for probably 15/20 years about millennials not being ready for the workplace. And now here we are doing the same dang thing about Gen Z, and it's got to stop. It's just ridiculous. Young people need to learn how to do things and it doesn't matter what generation they're in. There are things that they need to learn.

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Some of those things, they're going to learn in school and some of those things they're going to learn from previous experiences. But a lot of those things you've got to teach them and I'm telling you, you're going to wind up with a better overall outcome and better long term engagement if you recognize that as opposed to thinking, well, people aren't coming out of law school practice ready anymore or not coming out of paralegal programs ready to actually do the work. Occasionally it's true.

At the edges there's always going to be some people that maybe aren't going to be a great fit, don't have the right attitude. Lord knows, I have fired plenty of people in different times of my career that weren't pulling their weight or maybe were outright being deceptive about the work they were doing. And so, I'm not saying that we need to coddle people, but we've got to give them the benefit of the doubt.

And we've also got to be really intentional about understanding or trying to understand how much of their, I'm going to use the word failure, to accomplish what we assume they ought to be able to accomplish, or what we believe they ought to be able to accomplish. Whether or not those assumptions are grounded in reality or not, how much of that is due to our lack of preparation, our lack of providing that clear quality standard, providing that clear policy? Versus how much of it is due to someone's sort of inability or unwillingness to follow that guidance or that policy?

I was doing a workshop with the new team a couple of weeks ago and this came up. And we kind of delved into a discussion around how much of it is due to the person that is new to the team, either not having the skills or the training or the attitude to do whatever it is that the firm needs them to do? And how much of it is due to this thing that I refer to as the unspoken or the unwritten component of the job description when you bring this new person on, must have ESP, must be a mind reader?

And that's the anti-pattern that I see all the time, is a senior person delegates work and that person has a quality standard in their head. It's

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their own standard. They try to get the work to the place that it would have been done had they done it, but they don't take the time to document that standard. They don't make the policies explicit around what needs to be true or accounted for in order for this particular piece of work to be done to my standard. And they leave it up to the delegee, to the trainee, to the new employee to sort of figure that out.

And they basically make the standard discovery, someone else's job and that's just not fair, but I think it's really pervasive. I've heard several different legal advice podcasts lately that kind of hit on this topic. It's about leveling up your team. And a huge chunk of the advice is about hiring and firing. If someone isn't pulling their weight, you've got to get rid of them and I don't disagree with that at the edges.

But if that's your default assumption is that they're not doing what I need them to do so I'm going to fire them and find someone who will. You're going to be on this really bad sort of treadmill, if that's the approach you take. I mean, I talked about this in my episode a few weeks ago about the roots of the lawyer shortage. There's just not that many people out there. And if you're running a small firm, mid-size firm, which I think is primarily the audience of this podcast, you're competing with a lot of other potential employers.

I mean, frankly, even if you're running a team inside of a big firm, this is good advice. You need to build the talent that you need to see. You need to build the capabilities that your business requires. You can't expect that you're going to be able to go out into the marketplace and just outsource the skill building and the education to somebody else. There are obviously parts of that process that we do outsource and we expect to outsource. But I think we all expect more from these other systems than is probably reasonable to get and this is a human condition. This hasn't changed.

We always say the schools should be doing better. We always say that young people should have a better attitude, etc. And I think we just need to

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get over it and realize that the best way to get to the skills and the camaraderie and everything else that we need is to work on creating tools and systems and trainings. And personally, having a lot of intentionality around creating the outcomes and creating the systems that will build the outcomes that we need.

Alright, so trying to tie these themes back to something actionable for you. Number one, it comes back around to making policies explicit, making your standards explicit. Be really clear, whether it's in a job description overall or whether it's in instructions for accomplishing a specific piece of work, that we're really clear what the quality standards are for that work. What's the definition of done? What are the things we need to see in the deliverable in order for us to feel like this is of sufficient quality to move on through the process?

Number two is to explicitly train our people around that quality standard. Don't just put it in a policy and throw that policy on your intranet or in your knowledge management tool or somewhere on a shared drive. Let's actually have a discussion around this is the policy, this is the standard, this is the specification that I need out of this piece of work. And give the person that's going to be doing the work or the team that's going to be doing the work an opportunity to ask questions, offer feedback.

My guess is that even if you write that policy and you think you've done a good job through your own lens of your knowledge and experience doing the work. There's going to be things that you missed and so giving people an opportunity to reflect on the assignment and reflect on the quality standard is going to help you get to that better standard.

And then number three, offer feedback against that standard in the moment and focus on the positive. Talk about the things that people are doing that complies with the standard or maybe even exceeds the standard. And make sure that they know when they're engaging with your work and the firm's work in the right way or in the preferred way. But then also when

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they're falling short, be clear and direct and don't feel like you have to do that criticism sandwich thing.

If you're intentional about giving the positive feedback on a regular basis, then when you give the occasional criticism, the constructive feedback then people are going to take that in a much more adult, much more human way.

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