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## The Evolving Practice of Law: Competency Development in Law Firm Combinations

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## ARTICLE

# THE EVOLVING PRACTICE OF LAW: COMPETENCY DEVELOPMENT IN LAW FIRM COMBINATIONS

ANN RAINHART\*

### INTRODUCTION

The practice of law is changing rapidly. Law schools are adapting to the changing landscape,<sup>1</sup> and at the same time we see law firm practice evolving through combinations, demises, and the growth of in-house legal departments. The soothsayers predict the change is just beginning.<sup>2</sup> Some state that the death of big law is coming.<sup>3</sup> Others note that significant change must occur in the business model in order for large law firms to remain profitable enterprises.<sup>4</sup> While much remains to be seen in the shifting legal landscape in which we practice, we do know that many law firms will combine, and new entities will continue to emerge. We also know that the foundational elements of combinations are critical to a law firm's success. Firms combining with a strong vision of the future and a strong focus on their talent will lead the pack, while those that combine only for financial gain are likely to see a shorter lifespan.

People practice law. And for people to achieve ultimate engagement in their work, a whole series of things must occur simultaneously to make this happen. In his book, *Drive*, Daniel Pink details three critical components to engagement: autonomy, mastery, and purpose.<sup>5</sup> All three components need to work in tandem to provide a powerful recipe for motivation and ultimate

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1. See generally Neil Hamilton, *Law Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*, 11 U. ST. THOMAS L.J. 6 (2013).

2. Jennifer Smith, *More Law Firms Look Into Mergers*, WALL ST. J., (Oct. 27, 2013), <http://online.wsj.com/news/articles/SB10001424052702304200804579162070813850650>.

3. Noam Scheiber, *The Last Days of Big Law*, NEW REPUBLIC, <http://www.newrepublic.com/article/113941/big-law-firms-trouble-when-money-dries> (last visited Sept. 8, 2014).

4. See generally, BRUCE MACEWEN, GROWTH IS DEAD: NOW WHAT? (2013) (describing the challenges facing law firms in their current state).

5. DANIEL PINK, DRIVE: THE SURPRISING TRUTH ABOUT WHAT MOTIVATES US 85–146 (2009).

engagement in work.<sup>6</sup> The concept of engagement in the law firm world is made complex by the lawyer personality type. Dr. Larry Richard, a leading researcher and consultant on the lawyer personality type, details that the lawyer personality creates a challenging dynamic during change.<sup>7</sup> Dr. Richard's research indicates that the typical lawyer has a strong need for autonomy, high abstract reasoning skills, a sense of urgency, low resilience, lower sociability than the average person, and a high level of skepticism.<sup>8</sup> This personality type is excellent for practicing law, but it can be challenging for managing, let alone thriving, in change.

Competencies make the world go round. Much has been written about the value of competencies in the development of people. We know that developing lawyers in a thoughtful way, being purposeful about technical and behavioral competency articulation, and ensuring learning and feedback are all critical to the demands of the profession.<sup>9</sup> Competencies are here to stay and will likely lead to significant further adaptations in the legal profession as more and more lawyers understand what they mean; receive guidance, learning, and support for developing them well; and teach others how to go about developing them.

Law firm combinations are on the rise, the economy is evolving, and there is a strong knowledge of the lawyer personality and a heightened awareness of the importance of competencies. Firms taking a proactive and purposeful approach to articulating the important competencies within their new firms have the ability to shape their firm carefully to meet the demands of the marketplace. Firms that take a more haphazard approach run the short-term risk of a confused path forward for their talent and a long-term risk of lawyers practicing without a unified approach to their skills and

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6. *Id.*

7. Kristine McKinney & Ann Rainhart, *Motivating Lawyers to Move from Activity to Impact: The Intersection of Professional Development and Diversity*, LAW PRACTICE TODAY, [http://www.americanbar.org/content/newsletter/publications/law\\_practice\\_today\\_home/lpt-archives/may13/motivating-lawyers-to-move-from-activity-to-impact.html](http://www.americanbar.org/content/newsletter/publications/law_practice_today_home/lpt-archives/may13/motivating-lawyers-to-move-from-activity-to-impact.html) (last visited Aug. 30, 2014). Dr. Richard notes that:

[T]he biggest culprit to a lawyer's conservative and resistant response to change is low resilience and the negative mindset that is essential to the practice of law. He also said that lawyers have to think in terms of fault-finding and that's very good thinking for a practicing lawyer. But when there's change involved and your first response is to look for someone to blame and then avoid changing, the thinking puts us in the wrong place in terms of response. People who have these traits are not flexible and adaptable. What is needed is adaptability and flexibility to have a competitive advantage.

*Id.* (internal quotation marks omitted).

8. Larry Richard, *The Lawyer Personality: Why Lawyers Are Skeptical*, WHAT MAKES LAWYERS TICK?, <http://www.lawyerbrainblog.com/2013/02/the-lawyer-personality-why-lawyers-are-skeptical/> (last visited Aug. 30, 2014).

9. Susan Manch, *Competency-Based Performance Management: Evaluations, Advancement and Compensation*, in THE ART AND SCIENCE OF STRATEGIC TALENT MANAGEMENT IN LAW FIRMS 153, 185 (Terri Mottershead ed., 2010) (stating employee performance should be managed through competencies evaluations).

behaviors, further confusing the marketplace about their uniqueness as a firm and their value proposition to clients.

One might say that creating a law firm competency model while integrating a law firm is much like driving a roaring train in an evolving landscape. In other words, the train is barreling down the track and each day something new occurs to shift the landscape and the track ahead. As in any change initiative, it is important to have flexibility in approach and to have a willingness to adapt to a situation as it unfolds. It is likely new facts will emerge daily regarding people and processes that reside in all of the offices within the organization. A strong competency model takes these into account and looks for ways to find the nuance, but more importantly, the commonality across the entire enterprise.

This article will focus on the continued development of the law firm profession and specifically how law firm combinations provide a significant opportunity to utilize competency development to cultivate a strong culture, manage change, increase integration, articulate successful lawyer behaviors, embed diversity and inclusion, and create a process for further change initiatives.

#### I. DEVELOPING A NEW LAW FIRM CULTURE

At the beginning of any law firm combination there is a window of opportunity to determine the path forward for cultural development. And as the old saying goes, “[c]ulture eats strategy for breakfast.”<sup>10</sup> Therefore, a law firm needs to be very careful in articulating the future culture as it begins its post-combination journey. The firm then needs to be even more careful about the decisions it makes after it identifies the key attributes of its culture so as to ensure alignment in what is said and what is done. Interestingly, much literature exists about creating law firm competency models,<sup>11</sup> but very little significant literature exists about creating a new law firm culture. The book *Anatomy of a Law Firm Merger* provides insight into best practices in law firm merger deals, but it focuses almost exclusively on getting the deal done.<sup>12</sup> Lisa Smith, in her article “Successful Mergers” notes that effective planning of merger integration is critical.<sup>13</sup> She also states that one of the six key areas of needed integration is a focus on people and culture.<sup>14</sup>

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10. See Adam Levin, *Post-Target Data Security: Culture Eats Strategy for Breakfast*, FORBES, <http://www.forbes.com/sites/adamlevin/2014/06/12/post-target-data-security-culture-eats-strategy-for-breakfast/> (last visited Aug. 30, 2014).

11. See generally, PETER SLOAN, FROM CLASSES TO COMPETENCIES, LOCKSTEP TO LEVELS (2007) (detailing Blackwell Sanders’ implementation of a competency model).

12. HILDEBRANDT INTERNATIONAL, ANATOMY OF A LAW FIRM MERGER: HOW TO MAKE OR BREAK THE DEAL (American Bar Association 3rd ed., 2004).

13. Lisa Smith, *Successful Mergers*, FAIRFAX 1, 2–3, <http://fairfaxassociates.com/images/pdfs/Successful%20Mergers%20July%202013.pdf> (last visited Aug. 30, 2014).

14. *Id.* at 2.

Focusing on people and culture can easily take a back seat in the first year of a combined firm's existence. The roadmap to integration, a term used by the Operations Executives during the combination of Faegre & Benson LLP and Baker & Daniels, LLP<sup>15</sup> into Faegre Baker Daniels LLP ("Faegre Baker Daniels"), was lengthy and detailed and consisted of a project map capturing the integration of all aspects of the firm. These aspects included finances, technology, talent (e.g., people and strategies), business development and marketing, and strategy. The entire goal of the roadmap was to focus the operations structure collectively on the innumerable processes, policies, platforms, and infrastructure the team needed to consider when creating a newly combined enterprise. Each decision was made with the goal of creating a best-in-class firm, taking into account the best practices known for every aspect of the firm. A key aspect of the roadmap was to focus on the people within Faegre Baker Daniels, and an early decision was made to create a levels-based model to associate progression with competency identification and development at its core. The decision to focus on the development of a competency model together, as a new firm, versus simply taking bits and pieces of legacy firm associate career development is a key component in the reinforcement of culture and continued articulation of culture at Faegre Baker Daniels. Newly combined firms should carefully determine the appropriate steps for their associates and their career development. It is easy to assume tracks, competencies, and career philosophies go together, or can be placed together, but the firm misses an important opportunity in its combination journey if it does not take the necessary time to review the model carefully and consider creating a newly defined model for the combined firm.

#### A. *Managing Change in Law Firm Combinations*

Effectively managing change is of critical importance in leading any law firm in today's world. It doubles or even triples in importance when the change is both outward (the economic landscape and changing profession) as well as inward (developing a newly combined law firm). Add an integration process to the complex dynamic and you exponentially change the situation. Further add to the situation a change initiative like developing a competency model and the dynamic can almost become insurmountable. It becomes absolutely surmountable with a clear understanding of change management fundamentals, understanding managing change in a law firm, and a clearly articulated vision of the desired future state.

Perhaps one of the biggest components for any leadership team embarking on a law firm combination is to focus on the individual resilience of its team members. Resilience is defined as the pace at which an individual

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15. Faegre & Benson LLP and Baker & Daniels, LLP combined to form Faegre Baker Daniels LLP on January 1, 2012.

bounces back from the confusion caused by uncertainty and grasps the opportunities a new environment presents.<sup>16</sup> As Dr. Larry Richard writes in his blog, we need Chief Resilience Officers in law firms today and he also writes that it is possible to combat the reactions to stress and change by learning “to buffer the negative effects of change-induced stress through a number of effective resilience-building strategies, mostly cognitive ones.”<sup>17</sup> “These include optimizing social connections and adopting a practice of explaining adverse events in our mind using a ‘glass half full’ cognitive strategy (‘realistic optimism’), among others.”<sup>18</sup> A careful focus on the resilience of a change agent in a law firm combination provides a strong platform for the numerous stages to integration and allows a leader to navigate through these efforts, while leading additional change initiatives such as competency model creation.

Effectively managing change in a law firm requires understanding of fundamental change management principles. John Kotter, in his seminal work, *Leading Change*, focuses on eight key aspects to managing change effectively:

1. Creating Urgency
2. Forming a Powerful Coalition
3. Creating a Vision for Change
4. Communicating the Change
5. Removing Obstacles
6. Creating Short-Term Wins
7. Building on Change
8. Anchoring the Change in Culture.<sup>19</sup>

These eight key aspects are vital to law firm change management, with some critical nuance around creating a powerful coalition and communicating the change due to the partnership structure and the stratified leadership model within law firms. A law firm is not a corporation, with CEO leadership and change issued and led from the top of the organization. Rather, law firm change must incorporate views of the firm’s Chair, Management Board, Group Leadership, Office Leadership, Operations, and Administrative Leadership as well as key influential partners and leaders. It is important to understand the key constituents within a firm, and it is even more important to understand in a newly combined firm because the leadership structure is evolving and “influence capital” partners or leaders may not be known to everyone. Underestimating the dynamic can add significant time

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16. LINDA HOOPES & MARK KELLY, *MANAGING CHANGE WITH PERSONAL RESILIENCE* 18, 23, 24 (2004).

17. Larry Richard, *We Need a Chief Resilience Officer*, WHAT MAKES LAWYERS TICK?, <http://www.lawyerbrainblog.com/2013/08/we-need-a-chief-resilience-officer/> (last visited Aug. 2, 2014).

18. *Id.*

19. JOHN KOTTER, *LEADING CHANGE* 33–158 (1996).

to any change initiative and even inhibit its ability to occur successfully. Firms that prepare an inclusive and thoughtful approach to change management are likely to see the fruits of those labors years into the future.

*B. Competencies—A Critical Area of Integration Focus*

Competency identification in a newly combined firm has the potential to help define and reinforce the culture and strategy of the firm. There is nothing more important than focusing on the key practice skills and behaviors that all lawyers within a firm need to learn and develop as their careers grow and take shape. Most law firm combination discussions begin with some key areas of affinity, shared values, key growth objectives, philosophies about client service, and similar approaches to the practice of law. Much like a marriage between people, law firm combinations come to fruition with the realization that there is something alike between the two—some level of chemistry to make the trip down the aisle and the future years together appealing. Law firms, at their core, require a large group of people to buy into a shared vision and partner in bringing that vision to life. However, a shared vision is not enough to create true glue in the combination and many other things must occur in the early days of a combined firm to cement the relationship and plan for the future. A newly combined firm is also saying very vocally to the world, through the announcement of their combination, something new and changed is happening within its walls. There is less “cover” for the firm during this time as the media, clients, and competitors seek information and understanding about the new entity. Competency identification and development during this stage is a very helpful tool to integration and provides the newly combined firm, its lawyers, and ultimately the marketplace a chance to understand the new firm’s value proposition in ways that position it for future success. Susan Manch writes “core competencies viewed as success factors is a more recent way of looking at the factors that fuel individual achievement.”<sup>20</sup> A newly combined firm, focusing collectively on the “DNA” or key components of successful behaviors and outcomes creates a strong foundation from which to build firm strategy and uniqueness in the marketplace. Further, firms that develop competency models typically begin by “defining what distinguishes the performance of the firm’s most successful lawyers from ‘average’ performance.”<sup>21</sup> The primary focus of competency development is to understand and define the successful lawyer, uncovering the behaviors of this success, and then articulating key behaviors in understandable language for all to see and learn.

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20. Susan Manch, *Competencies and Competency Models—An Overview*, in *THE ART AND SCIENCE OF STRATEGIC TALENT MANAGEMENT IN LAW FIRMS* 79 (Terri Mottershead ed., 2010).

21. Steve Anderson, *Guide to Best Practices in Law Firm Talent Management: Recruiting, Developing, Motivating and Retaining Associates*, *LEX MUNDI* 1, 3 (2013).

### C. *The Combined Firm's Competencies*

It is easy to think that a combined firm, with prior articulated competencies from the two founding firms, could simply put their legacy competencies together and move forward as one. The essence being that the former competencies provide familiarity and comfort to those from the legacy firms and therefore everyone will win a bit in the end. However, this approach misses the point and the opportunity in competency development. Through behavioral event interviewing or other behavioral based approaches, the newly combined firm can begin to identify the key behaviors successful lawyers within a firm have in common. The more thoughtful a firm is about identifying the competencies, the more likely they are to ring true for years to come.

The beginning of the process is perhaps the most critical aspect of developing a competency model during law firm integration. Most important is making sure firm leadership is ready to begin the work and to provide the full scope of the project. The more thorough the process at the beginning, the more likely the firm's lawyers will view the competencies as their own, as a newly combined firm. Bryn Vaaler, Professional Services Partner at Dorsey & Whitney, notes that crucial decisions need to be made at the beginning of a competency process, such as whether a firm is articulating superior performance or minimum performance standards.<sup>22</sup>

The partnership also needs to understand the competency development process. However, it can be challenging during the early days of a combination to have the full attention of the firm's partnership due to the number of changes taking place at one time. The most important population to engage at the beginning of the process is the associate population—being mindful of the lawyer personality, particularly under stress and in a time of change.<sup>23</sup> Associates respond well to hearing from other associates, so creating situations where their peers can understand the path forward, be involved in the dialogue and planning, and report back can work very well in creating a unified firm competency model. For example, Faegre Baker Daniels commissioned an advisory group of both partners and associates to participate in the development of the competency model.<sup>24</sup> The opportunity for associates to be close to the actual process and see the data as it becomes

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22. Bryn Vaaler, *Codifying Competencies*, LAW FIRM PARTNERSHIP & BENEFITS REPORT (Law Journal Newsletters), Jan. 2005, available at <http://www.dorsey.com/newsevents/uniEntity.aspx?xpST=PubDetail&pub=2205>.

23. Larry Richard, *Resilience and Lawyer Negativity*, WHAT MAKES LAWYERS TICK?, <http://www.lawyerbrainblog.com/2012/09/resilience-and-lawyer-negativity/> (last visited Aug. 30, 2014). Dr. Richard writes that the average lawyer finds him or herself in the 30th percentile for resilience. *Id.* Dr. Richard also notes that it is possible to impact the resilience of people by helping them think about the positive instead of the negative in a given situation. *Id.*

24. Known as the Associate Career Model at Faegre Baker Daniels (on file with the author).



available helps manage the skepticism and concern that can arise in new and changing situations.

Focus groups can also play an important role in any law firm change initiative, particularly in the development of a competency model in a combined firm. Focus groups provide opportunity to understand how different populations view the dynamic, provide for the sharing of information in smaller more intimate settings, and allow for more candid discussion than in firm-wide meetings. Focus groups also help engage associates in active discussion at a time when they may consider their options in the marketplace due to the changes in their firm and uncertainty about their newly combined firm. Ida Abbott notes that in today's legal marketplace there is less career certainty and less loyalty and cohesion within law firms.<sup>25</sup> If we know that is true during a time of calm in a firm, we know it is exponentially true in a time of change such as a law firm combination. The more a firm can engage its associates in the work of creating newly defined competencies and provide them with updates, FAQs, information settings, focus groups with reports detailing the discussions within the sessions, and views of the plans and steps going forward, the more likely the firm is to retain them during this period of development. If a firm can retain them during this time, the firm then has a whole group of associates that understand the very formation of their competency model, have participated in its development, and understand the core behaviors and practice skills needed for success in the newly combined firm.

#### *D. Process Means Something*

One could argue that many of the lawyer competencies are well-defined and readily available as more firms and law schools use them in their work and development of law students and lawyers.<sup>26</sup> However, simply pulling data, lists, or defined competencies from other sources creates a large missed organizational development and strategic focus opportunity for a newly combined firm. The value of creating a competency model as a unified firm is in the process of actually creating the model together. The value of a competency model process in a law firm combination allows the firm to link into the associate career path and into the behaviors and practices of its lawyers the following initiatives:

1. Firm Vision
2. Firm Strategy

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25. IDA ABBOTT, *LAWYERS' PROFESSIONAL DEVELOPMENT: THE LEGAL EMPLOYER'S COMPREHENSIVE GUIDE* 19 (2002).

26. *See generally* MARJORIE M. SHULTZ & SHELDON ZEDECK, *IDENTIFICATION, DEVELOPMENT, AND VALIDATION OF PREDICTORS FOR SUCCESSFUL LAWYERING* (2008) (arguing against heavy reliance on LSAT scores for law school admission); BOCK & ROBERT RUYAK, *CONSTRUCTING CORE COMPETENCIES: USING COMPETENCY MODELS TO MANAGE FIRM TALENT* (2007) (outlining the key issues and principles when implementing a competency model).

3. Firm Culture and Values
4. Partner Expectations
5. Measures of Success.

In other words, it creates an opportunity in time, right out of the gate, for the creation of unified messages about the entire firm—from its vision, to how successful people act and behave. Articulating competencies in a vacuum, without looking at the newly defined story (the firm vision and the firm's expectations of its partners) as well as the broad view of successful lawyering, potentially creates a system that is not based in fact, but rather perception or on some other firm's articulation of success. In addition, the process allows a collective group of people to be the architects of their future by participating in the creation of the model, and therefore the creation of their new firm.

#### *E. Diversity and Inclusion*

Diversity of thought and inclusion of people and ideas are critical to the success of law firms in today's legal climate. Much has been written about the value of a diverse, well-managed team of professionals tackling a project or a problem together.<sup>27</sup> However, actually creating a diverse workplace requires thought at all levels, including the development of a competency model. Creating a diverse workplace also requires a fundamental understanding of implicit bias and how bias impacts the career development of lawyers. Vernā Meyers, in her book *Moving Diversity Forward*, writes that many law firms find it hard to accept that their "recruitment, evaluation, work allocation, orientation, compensation, promotion, and other systems may be biased."<sup>28</sup> She then details her recommended approach for bias-proofing the law firm's systems.<sup>29</sup> There is no time like the beginning of a major change initiative to take a holistic view of the firm's systems and processes and to bake into the change management process a thorough look at diversity and inclusion. For example, when building a new competency model, it is important to ensure that diversity of people is brought into the model in as many ways as possible (knowing that you will not account for every diverse element of people in a system because much diversity takes

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27. See generally Thomas Barta, Markus Kleiner & Tilo Neumann, *Is There a Payoff From Top-Team Diversity?*, MCKINSEY QUARTERLY (2012) [http://www.mckinsey.com/insights/organization/is\\_there\\_a\\_payoff\\_from\\_top-team\\_diversity](http://www.mckinsey.com/insights/organization/is_there_a_payoff_from_top-team_diversity) (last visited Aug. 30, 2014) (noting that teams with diversity were also top financial performers); NANCY ADLER, INTERNATIONAL DIMENSIONS OF ORGANIZATIONAL BEHAVIOR (1986) (noting that the world of organizations is no longer bound by national boundaries).

28. VERNĀ A. MYERS, MOVING DIVERSITY FORWARD: HOW TO GO FROM WELL-MEANING TO WELL-DOING 140 (2011).

29. *Id.* at 144. Vernā Myers articulates that bias-proofing includes articulating the goal of the system and why it is important to the organization and employee, naming the barriers that make it hard to achieve the goals of the system, looking at ways that barriers are compounded or made more difficult by race (or any other group variable being analyzed), and then articulating what is needed to improve the system so that it addresses or minimizes these additional barriers.

place beyond what people see and know). Taking diversity into account when developing competencies in a combined firm includes equal representation of legacy firms in the behavioral event interviews, focus groups, and advisory groups. It requires gender diversity, racial diversity, sexual orientation, generational representation, office representation, and practice representation.

Clearly articulating diversity and inclusion in the development of a competency model provides a strong foundation for the beginning of the work; it also creates a well-rounded model that takes into account the ways that different lawyers articulate their behavior and looks for the common language to the description of such behavior. In other words, a competency built from diverse perspectives into a common whole will have more complexity and more information about how the behavior or practice looks in language that more people beyond the majority will see as reflecting them. While this in and of itself does not eliminate bias in a competency model, it goes a long way in creating a foundation that takes into account different perspectives from many people. Competency models provide a vital way to embed diversity and inclusion in the culture and systemic processes of an organization. In many ways, competencies level the playing field by making the “unwritten rules” more explicit and providing a clear roadmap and guideposts for development. Having clear expectations in the form of competencies also reduces the opportunities for unconscious bias in professional development and career progression.<sup>30</sup>

#### *F. Driving the Behavior You Need*

Competency models provide the opportunity to drive important behavior firms want and need in their lawyers by clearly articulating expectations and providing a roadmap with benchmarks. While many competency models focus on practice skills competencies and provide the detailed list of needed opportunities or benchmarks to master particular skills, it is important that law firm competency models also detail the key behaviors of successful lawyers that fall outside practice or technical skills. These kinds of behaviors include developing other lawyers, approaches to client service, relationship building behaviors, and the ability to manage change. For some firms, articulating the competencies associated with leadership is critical to their firm and part of their competency model. Susan Manch and Michelle Nash provide a detailed analysis of leadership models and focus on the core competencies of knowledge and skill mastery, openness to learning, effective communication or interpersonal style, mentorship, and vision.<sup>31</sup> The

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30. *See generally* KRISTINE MCKINNEY, PRACTICAL TIPS FOR ADVANCING DIVERSITY (NALP Education Conference Apr. 2013) (discussing ways law schools and law firms can make small changes to have a positive impact on diversity).

31. SUSAN MANCH WITH MICHELLE C. NASH, LEARNING FROM LAW FIRM LEADERS, 214–15 (2012).

Faegre Baker Daniels competency model focuses on nine key behavioral competencies within three key areas of excellence—firm focus, client focus, and people focus—all identified through behavioral event interviewing. The definitions with competencies come from the behavioral event interviews and the consistent language Faegre Baker Daniels lawyers used in describing their behaviors and actions.

## II. EXPANDING THE COMPETENCY FRAMEWORK

Once established, a clearly defined competency model provides a strong foundation for other work in a newly combined law firm. One of the easiest places to embed the work of the competency model is within recruiting—both law student and lateral recruitment—by looking to the competencies, focusing the recruiting committees or working groups around the key competencies, and developing both an interviewing process and questions to hire for competency aptitude. The competency model should also form the foundation of summer associate programs, attorney development programming, and key partner roles such as mentor, supervisor, advisor, or coach. While it is obvious to link the competency model to all things in lawyer talent management, it is critical to do so quickly within a newly combined firm to continue to reinforce the new firm culture versus reverting back to legacy firm processes. The easiest path is to continue on doing what worked well for either or both legacy firms, but doing so misses the opportunity to establish new norms of all things in the newly combined organization.

The most critical phase in competency models is the evaluation process. A strong evaluation process provides opportunity for self-assessment, individual feedback, and a “firm” view of the contributions and development of an individual. The group evaluation is the single best opportunity to provide a clear message to individual associates about their performance and contributions in a given year and to provide them guidance on their career path. A well-completed evaluation provides honest feedback on work, practice and technical skills, behavioral competencies, results, and firm citizenship. It is a comprehensive view of performance, and it forms the foundation for goals and objectives for the coming year of practice, as well as decisions about career progression and promotions.<sup>32</sup> A transition to a competency based evaluation process can take some time for lawyers to adjust to because this kind of process asks for feedback on observable behaviors versus rating one’s performance. However, once the population understands the approach, it can be a tremendous tool for providing specific feedback to associates about where they are in their career, how they are experienced, behaviors and skills they have mastered, key behaviors and

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32. FAEGRE BAKER DANIELS INTERNAL GUIDE TO ASSOCIATE FEEDBACK (2013) (on file with author).

skill sets they need to improve, and most importantly what they need to do in terms of moving to the next level of their career.

Although giving honest feedback can at times be difficult, doing so is in the best interests of the individual, the practice, and the firm because it gives the associate better information about behaviors and skills needed to progress and succeed. Individuals develop best through increased self-awareness, which can only be achieved by providing accurate, objective information rather than inflated ratings. When feedback is provided in an objective rather than judgmental manner, the individual is better able to accept and adapt to the feedback given and accelerate advancement.<sup>33</sup>

### CONCLUSION

As Thomas Jefferson once wrote: “[L]aws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.”<sup>34</sup> Law firms must advance to keep pace with the times. Change is absolutely afoot in the legal profession, and it is likely to continue for the foreseeable future. This change cycle will likely produce a few very strong global law firms as well as strong mid-sized law firms.<sup>35</sup> Many of these changes will result from combinations of law firms. What remains to be seen is how these law firms position themselves internally with their talent for the future. Newly combined law firms that spend time carefully and strategically thinking about their people and the positive impact they want their lawyers and professionals to have on the complex business and legal needs of their clients will be positioned for a higher level of success compared to firms who combine with little careful thought to their people. Competencies provide the foundation for key success behaviors. The more focus on these behaviors, the more likely they are to develop. All law firms must continue to focus on these competencies to compete in the new economy, but combined law firms have an even greater need to get it right as they create newly defined visions and cultures for their talent.

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33. *Id.*

34. Thomas Jefferson, *To Samuel Kercheval* (July 12, 1816), in 12 THE WORKS OF THOMAS JEFFERSON 12 (PAUL FORD ed., Federal ed. 1905), available at [http://lf-oll.s3.amazonaws.com/titles/808/0054-12\\_Bk.pdf](http://lf-oll.s3.amazonaws.com/titles/808/0054-12_Bk.pdf).

35. Jennifer Smith, *Smaller Law Firms Grab Big Slice of Corporate Work*, WALL ST. J., (Oct. 22, 2013), <http://online.wsj.com/news/articles/SB10001424052702303672404579149991394180218>.