

208 How to Get Your Attorneys to Give Their Best Performance on the Job

Larry R. Levine Assistant Vice President - Staff Counsel Infinity Insurance Company

Peter A. Land *Organizational and Human Resource Development Consultant* Peter A. Land Associates, Inc.

Faculty Biographies

Larry R. Levine

Larry R. Levine is the assistant vice president, staff counsel of Infinity Insurance Company.

Prior to his current position, he was the managing attorney of the Infinity Insurance Company staff counsel operation in Hartford, Connecticut where he started up the operation and developed the firm to a total of 16 attorneys.

Prior to his employment with Infinity Insurance Co., Mr. Levine was in private practice for 16 years primarily handling insurance related litigation and trials in State and Federal Court. He received his CPCU designation this past June.

Mr. Levine received his B.A. from the Hartt School of Music, University of Hartford and a M.A. of Music Degree from the Yale University School of Music. He received his J.D. from Rutgers University School of Law.

Peter A. Land

Peter A. Land is the organizational and human resource development consultant at Peter A. Land Associates, Inc., in Montgomery, Alabama. Mr. Land is a highly acclaimed leadership and management consultant who has conducted hundreds of leadership and management workshops on four continents. His management consulting firm specializes in organizational and human resource development for clients throughout the United States, Europe, Russia, Australia, and Mexico.

Mr. Land is the author of How to Build A Winning Team, Managing To Get the Job Done, and many other management training resources. Mr. Land's experience spans many years and he is one of three people in the world to hold his speaking and consulting credentials.

ASSOCIATION OF

CORPORATE COUNSEL

2006 ANNUAL MEETING

"SET GOALS, COACH AND PROVIDE FEEDBACK"



PETER A. LAND ASSOCIATES, INC.

ASSOCIATION OF CORPORATE COUNSEL HOW TO GET YOUR ATTORNEYS TO GIVE THEIR BEST PERFORMANCE ON THE JOB NOTE-TAKING GUIDE

Education = the transfer of C	and P	. The output of

education is K_____.

Training = the transfer of S_____. The output of training is

Р_____.

Performance is S_____ based.

Scotoma – P______F____F_____

- High T_____
- High V_____

Four broad categories of poor/impaired performance. These four performance variables are wired in "series."

A. Lack of S_____ or K_____

Train against the D_____.

- B. I_____ of C_____
- C. T_____I____

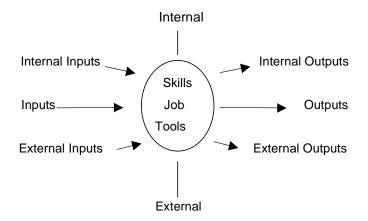
(Systems Concept of Job Performance)

D. Lack of/poor F____

"Feedback is the breakfast of champions." Ken Blanchard, Ph.D.

SYSTEMS CONCEPT OF JOB PERFORMANCE

Every job involves skills, knowledge, tools and processes. The employee receives inputs from either inside the firm (internal) or outside the firm (external), uses their skills and tools in applying the processes of the job to accomplish tasks, then produces outputs (internal, external or both.) The following diagram represents the concept.



When job performance problems are evident by faulty outputs, we first examine the quality, quantity, and timeliness of the inputs.

If an internal input is management, direction or guidance, but the guidance is faulty, then you actually correct the employee's performance by improving the outputs (guidance, direction, etc.) of the manager

GOAL SETTING HANDOUT

S pecific	not general or vague				
Measurable	and quantifiable				
Achievable	and challenging - all goals must involve some stretch				
Realistic	must be possible to achieve with stretch				
Trackable	over time				
P R O D U C T I V I T Y					

TIME (12 Months)

Goal Statement To (verb) (single result) (specifications) (by date) (limitations or constraints)

PRIMARY COACHING QUESTIONS

- 1. What did you do <u>well</u> in this activity?
- 2. If you could do this activity over again, what would you do <u>differently</u>, if anything?
- 3. What did you <u>learn</u> from this activity?

Objective Worksheet

	verb)	novative, or pe (end result)	(subject)	(time)"	M (must)	
10 (1	verb)	(end result)	(Subject)	(ume)	O (Ought)	
					N (nice)	
. Regular						
2. Proble	m Solv	ina				
2. 1 10010						

Objective Worksheet

"Т	Γο (ve	erb)	(end result)	(subject)	(time)"	M (must) O (Ought) N (nice)	
3. Ir	nnovativ	e				N (IIICe)	
4.	Persona	al					

THE ROAD TO EFFECTIVE LEADERSHIP

ACTION PLANNING METHOD*

- 1. Identify suggested actions in response to the following questions.
 - What activities or results are likely to contribute to the accomplishment of this objective?
 - * What specific problems, obstacles, or issues need to be resolved in order to accomplish this objective?
 - * What is the sequence of events required to resolve these issues?
 - * How might this objective be broken down (such as by time period, department/unit, responsibility level, or geographical region)?
- 2. Determine what combination of these actions is most appropriate for accomplishing this objective at this time.
- 3. Translate these actions into a series of five to ten major steps, with each step focusing on a specific result that may become a smaller or shorter-term objective for you or someone else.
- 4. For each action step, determine
 - * Who will be held accountable -- primary and others
 - * When it should be started and completed
 - * How much money and time will be required
 - * How and when you will know whether you are on or off track

5. Review your proposed action plans with others who play a key role in order to test and validate the plan as well as to gain their agreement and support.

Here is a brief description of what is included under each of the headings in the Action Plan Format.

Objective: The specific objective for which the action plan is being prepared.

Action steps: The five to ten major actions or events required to achieve this objective.

Accountability: The specific individuals (or units) who will be held accountable for seeing that each action step is carried out. *Primary* represents the one who has ultimate accountability for completion of the step; *others* represents anyone else with a key role to play in the particular step. (There will always be the name of a unit or individual in the *primary* column; there may or may not be names in the *others* column.)

* From <u>A Guide To Tactical Planning</u> by George L. Morrisey. Jossey-Bass Publishers, San Francisco, CA .

Schedule: The total time frame within which the action step is to be carried out. *Start* identifies when the action must begin; *complete* identifies when that action or event must be completed.

Resources: The total estimated costs for completing each of the action steps. *Money* includes all costs other than employee time, such as equipment, materials, systems, and supplies; *time* covers the amount of employee time (usually in hours or days) required to complete each action step. Time is separated from money in order to provide data for scheduling and for determining staff needs.

Feedback mechanisms: The specific methods that are available (or need to be developed) for providing the information required to track progress within each step. Feedback mechanisms can be as simple as an informational meeting or memo or as involved as the development of an information system to produce specific reports.

ACTION PLAN FORMAT

Action Steps:	Accountability		Schedule		Resources		Feedback Mechanisms
	Primary	Others	Start	Complete	Money	Time	

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ACTION PLAN FORMAT

Action Steps:	Accountability		Schedule		Resources		Feedback Mechanisms
	Primary	Others	Start	Complete	Money	Time	
1. Determine locations of highest incidence and select those with highest potential	Traffic Engineer	Police	9/1	9/15		40 hrs	Special report summarizing hig incidence areas
for improvement 2. Set up ad hoc committee to analyze and recommend corrective actions, including but not limited to Education Increased surveillance	Assistant City Manager	Traffic Engineer Police City Planning Citizens	9/15	10/15	\$500	60 hrs	Names of committee memeber first meeting minutes
Traffic control equipment Possible rerouting 3. Establish informtion/ mot-	Police		10/15	11/15	250	20 hrs	Copy of plan
ivation plan for police officers 4. Inform City Council, City Manager, other related departments, and the media	Assistant City Manager		10/15	12/15	250	20 hrs	Memo outlining plans and pro- gress
about plans and progress 5. Test proposed plans in selected locations	Traffic Engineer	Police	11/15	12/15	500	100 hrs	Monthly accident report
6. Establish monitoring system	Assistant City Manager	Data Processing Traffic Engineer	11/15	Ongoing	1,000	100 hrs	Copy of special detailed accide report for selected areas
7. Implement plans 8. Evaluate and modify	Traffic Engineer Assistant City	Police Police	1/1	Ongoing	1,000	40 hrs per mo	Memo to announce kickoff data for new system
implementation	Manager	Public Relations Ad hoc committees	4/1	5/1	500	60 hrs	Quarterly management meetin evaluate results

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PERFORMANCE DEVELOPMENT PLAN

TIPS FOR GIVING FEEDBACK

POSITIVE FEEDBACK:

- 1. Describe the positive situation/incident/behavior in detail. It is best to have firsthand knowledge, then use first person pronouns; I, me, my.
- 2. Tell the employee exactly why you value the action taken, i.e., saves time/money, improves quality, etc.
- 3. Express your personal appreciation for the action.
- 4. Tell the employee you have confidence in their ability to do similar good work in the future.
- 5. Thank them again, shake hands or pat them on the back.
- 6. You may want to combine the doer and the deed "That was a fine piece of work; you're making a fine contribution to the company."
- 7. Positive feedback may be given in public or private; public positive feedback is preferred.

CORRECTIVE FEEDBACK:

- 1. Never, never provide corrective feedback in public. It should always be done in private and when you have "cooled down."
- 2. Describe the standard/expectations.
- 3. Describe the performance/behavior.
- 4. Always separate the doer from the deed "I was very surprised when you missed that report, that's not like you."
- 5. Ask an open question to determine the cause (not why or who).
- 6. Ask "What did we learn from this?"
- 7. Ask "What are your recommendations/suggestions to solve/prevent recurrence?"
- 8. The feedback must be specific, job related and actionable (they can do something about it.)
- 9. Ask "What can I do to help?"
- 10. Recap and follow-up.

ĺ	Employee: John Green, Supervisor
	Boss: Tom Severson, Department Head
	Date: October 1

Performance to be improved: Orienting and Training New Employees

Ac	ction To Be Taken	By Whom	When
	Talk with Phil Taylor about	John Green	October 15
	his approach.		
2.	Watch Phil Taylor when he	John Green	The next time he
	orients and trains a new		does it.
	employee.		
3.	Attend a new employee	John Green	The next time it
	orientation conducted by		is done.
	personnel department.		
4.	Decide on the best time for	John Green	By October 20
	new employees to come to the department	working with Personnel	
	the department	Department	
5.	Attend a seminar on "How To	John Green	November 15
0.	Train New Employees."		University of WI
			Extension, Milwaukee
6.	Read the following books:	John Green	·····
	a. Self-Development for	by Oct	tober 15
	Supervisors and Managers.		
	by Norman Allhiser		
	 <u>No-Nonsense Communication</u>, 		by November 10
	by Donald Kirkpatrick		
	c. <u>The Supervisor and On-The-</u>	by De	cember 12
-	Job Training, by Martin Broadwell	Laws Indexes The st	and the a labor
1.	Observe John Green orienting and training a new employee.	Larry Jackson, The no Training Director	
8.	Talk with John Green's next	Tom Severson	One week after hire
0.	three new employees.	TOTTI Severson	One week alter hire
q	Provide a check list to John	Larry Jackson	October 15
0.	for orienting new employees.	Earry eachdon	
10	Arrange for a special office	Tom SeversonOctob	er 15
	for John to use when orienting		
	each new employee.		
11.	Arrange for a permanent special	Tom Severson Janua	ry 1
	training place for new employees.		

PERFORMANCE DEVELOPMENT PLAN

Employee	Rater		HOW TO GIVE ORDERS
Description of the area or activity to be improv	ved:		
			One of the key skills of effective supervisors is to give daily instructions ir such a manner that:
Action to			1. The job gets done properly
<u>be taken</u>	By Whom	When	2. Resistance is minimized
			3. Morale and work relationships are enhanced.
			There are four techniques you can use to accomplish the above objectives:
			1. Use the person's name or nickname in the request.
			2. Always say "Please."
			Give directions in the form of a request or question. This allows the employee to agree as he/she accepts the direction.
			 Briefly state the reason for the task or the reason you selected him/her to accomplish it.
			For example, "Joe, will you please prepare the time report this week? Mary is on vacation."
Date by which satisfactory improvement/resul	Its should be achi	eved:	Prepare a question/request for a task to be completed in your work area.
Signature of Supervisor Date	e D	ate Accomplished	

Date Date Accomplished



HOW TO GET YOUR ATTORNEYS TO GIVE THEIR BEST PERFORMANCE ON THE JOB



LEADERSHIP THROUGH PROACTIVE MANAGEMENT

Larry R. Levine, Esq. CPCU Assistant Vice President Corporate Litigation Department Infinity Insurance Company

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PROACTIVE MANAGEMENT

 WHAT DOES THIS MEAN?
 NOT REACTIVE
 SEE IT AND PREPARE BEFORE IT HAPPENS





PROACTIVE MANAGEMENT

Requires A Systematic Approach

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A SYSTEMATIC APPROACH

REQUIRES CORE PRINCIPLES WHAT ARE YOURS? PLEASE THINK ABOUT IT, WHILE I TELL YOU MINE:

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Proactive Management-A Systematic Approach

 (1) In Order To Effectively Manage Your Office You Have To Know What Is Going On In Your Office



 (2) You Can't Assume Anything You Expect To Happen Or You Want To Happen Will In Fact Happen





Proactive Management-A Systematic Approach

(3) To Be An Effective Manager You Need:

 An Efficient & Effective Process That Produces Relevant Performance Data

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(4) To Be An Effective Manager You Need:

 An Efficient & Effective Process Enabling Your Review & Analysis Of Data



Proactive Management-A Systematic Approach

 (5) Without This Data And An Efficient & Effective Process Of Analysis You Cannot
 Effectively Manage Your Office As You Lack:

- The ability to provide meaningful, frequent and timely feedback;
- The ability to influence activities towards a specific goal;

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 (6) Without This Data And The Process Of Ongoing Analysis You Cannot Be An Effective Leader

Remember, Leadership Is Defined As:



LEADERSHIP

THE PROCESS OF INFLUENCING THE ACTIVITIES OF AN INDIVIDUAL OR GROUP IN EFFORTS TOWARDS GOAL ACHIEVEMENT IN A GIVEN SITUATION

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LEADERSHIP & COMMON SENSE

COMMON SENSE TELLS US:

 Before You Can Influence The Activities Of An Individual You Have To Know How They Are Performing

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Proactive Management-A Systematic

Association of Corporate Counsel

Approach

 (7) Armed With Data & Analysis, The Manager Can Identify Issues & Risks Requiring Corrective Action Or Reward Performance :

One At A Time
 Devise The Corrective Plan (Or Process)
 Train, Mentor & Audit
 Document For Future Reference

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 (8) Periodically Monitor Status Of Prior Corrective Measures To "Prevent Slippage"



Proactive Management-A Systematic Approach

(9) Now The Machine Is Running

Step Back & Identify Higher Level Issues & Risks

Repeat The Process

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(10) Now Step Back Again:

 Look At Higher Level Issues & Risks And Repeat The Process





Proactive Management-A Systematic Approach

Continue Until You Reach Perfection

This Is Leadership

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ULTIMATELY YOUR SUCCESS AS A MANAGER DEPENDS ON TWO

COMPONENTS



YOUR FOCUS ON

CORE PRINCIPLES

UTILIZING A SYSTEMATIC APPROACH

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SO WHERE DO YOU START?

DEFINE YOUR CORE PRINCIPLES



YOUR CORE PRINCIPALS ARE DETERMINED BY?

• YOUR BUSINESS UNIT STRATEGY

• HOW DO YOU DEFINE IT?

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YOUR BUSINESS UNIT STRATEGY SETTING UNIT GOALS

WHAT FINANCIAL GOALS DO YOU WISH TO PURSUE?

DESIRABLE COST PER CASE

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YOUR BUSINESS UNIT STRATEGY SETTING UNIT GOALS

WHAT INTERNAL BUSINESS GOALS WILL YOU PURSUE?

 QUALITY OF LEGAL WORK, COST CONTROL, CYCLE TIME REDUCTION



YOUR BUSINESS UNIT STRATEGY SETTING UNIT GOALS

WHAT LEARNING GOALS WILL YOUR BUSINESS UNIT PURSUE?

DEVELOP AND MAINTAIN SPECIALIZED EXPERTISE

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YOUR BUSINESS UNIT STRATEGY DEFINING SCOPE OF THE UNIT

WHICH "INTERNAL CUSTOMER SEGMENTS" OF THE BUSINESS ENTERPRISE WILL YOU SERVICE?

PRIMARILY LITIGATION



YOUR BUSINESS UNIT STRATEGY DEFINING SCOPE OF THE UNIT

WHAT BUNDLE OF SERVICES WILL YOU OFFER TO THESE "INTERNAL CUSTOMERS"?



YOUR BUSINESS UNIT STRATEGY DEFINING THE BASIS FOR COMPETITIVE ADVANTAGE

WHERE DO YOU INTEND TO BECOME AND REMAIN SUPERIOR TO OUTSOURCING?

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YOUR BUSINESS UNIT STRATEGY DEFINING YOUR VALUE CHAIN SYSTEM

 HOW WILL YOU DELIVER SERVICES TO YOUR "INTERNAL CUSTOMERS"
 OR THE ALTERNATIVE, HOW WILL YOU OUTSOURCE AND WHEN Association of Corporate Counsel

YOUR BUSINESS UNIT STRATEGY MANAGING THE VALUE CHAIN

 FOR EACH ACTIVITY OF YOUR UNIT
 WHAT ARE THE DRIVERS OF CUSTOMER VALUE, COST STRUCTURE AND ASSET ALLOCATION/INVESTMENT

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WITH A DEFINED BUSINESS UNIT

STRATEGY

DEFINE YOUR PROACTIVE &

• WHERE TO START?

SYSTEMATIC APPROACH TO LEAD

YOUR UNIT TO SUCCESS



YOUR BUSINESS UNIT STRATEGY MANAGING THE VALUE CHAIN

HOW WILL YOU MANAGE EACH VALUE SOURCE, COST STRUCTURE AND ASSET ALLOCATION DRIVER FOR COMPETITIVE ADVANTAGE

BY A PROACTIVE & SYSTEMATIC APPROACH

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WHERE TO START? DEFINE PERFORMANCE STANDARDS

DEFINE YOUR METRICS & PERFORMANCE STANDARDS

DEFINE HOW THESE WILL BE MEASURED

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WHERE TO START? DESIGN YOUR DATA DEVELOPMENT SYSTEM TO OBJECTIVELY DOCUMENT METRIC PERFORMANCE

IMPLEMENT YOUR DATA ENTRY AS A PART OF STAFF DAY TO DAY WORK PROCESSES

 Otherwise It Is Too Time Consuming & Too Costly To Obtain Sufficient Amounts Of Useful Data

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WHERE TO START? DESIGN YOUR SYSTEM FOR PEFORMANCE DATA CAPTURE & ANALYSIS

- Develop A System Based Process Enabling Rapid
 & Easy Data Compilation Review & Analysis
 - Otherwise It Is Too Time Consuming & Too Costly To Analyze Large Amounts Of Useful Data
 - You Simply Won't Have Time To Do It



WHY ARE THESE IMPORTANT? REMEMBER

 Before You Can Influence The Activities Of An Individual You Have To Know How They Are Performing

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PRACTICAL EXAMPLES WE

USE

DATA ENTRY



WHY ARE THESE IMPORTANT? REMEMBER

 Armed With Data & Analysis, The Manager Can Identify Issues & Risks Requiring Corrective Action Or Reward Performance:

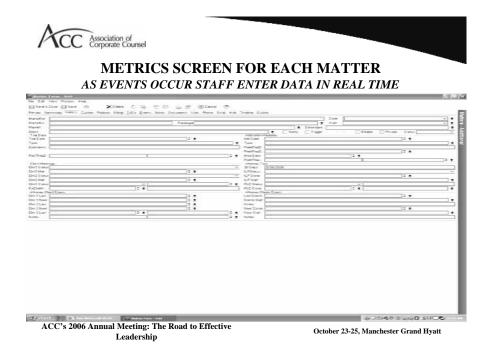
Cone At A Time
Devise The Corrective Plan (Or Process)
Train, Mentor & Audit
Document For Future Reference

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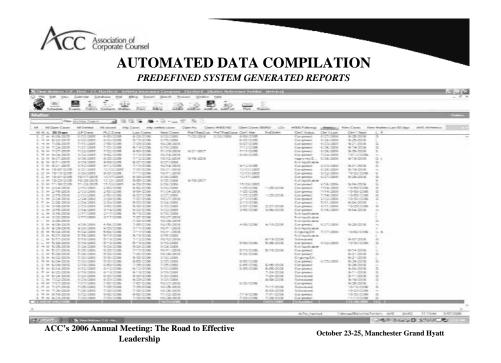




PRACTICAL EXAMPLES WE USE

DATA COMPILATION

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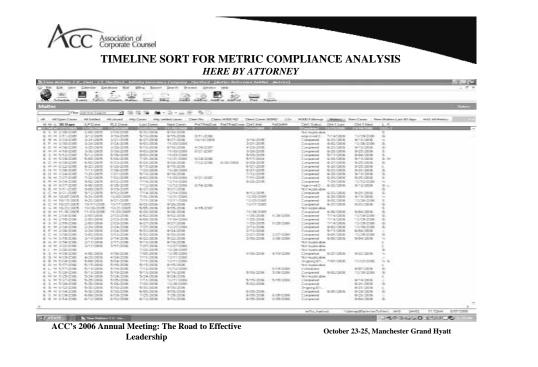


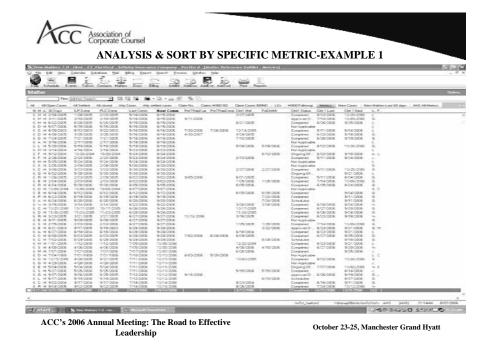


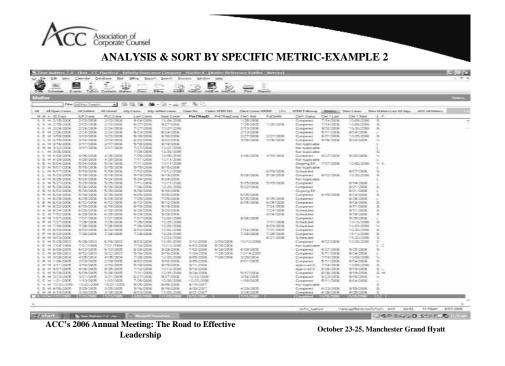
PRACTICAL EXAMPLES WE USE

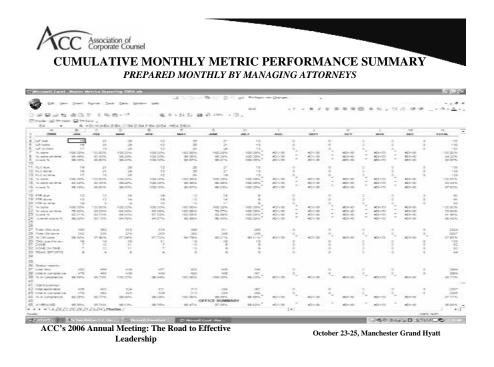
DATA ANALYSIS

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THE RESULT IS MANAGEMENT EMPOWERMENT

Now You Are Able To:

 Provide meaningful, frequent and timely feedback based on actual current data

- Influence activities towards a specific goal
 - Which you KNOW is relevant

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THE RESULT IS MANAGEMENT EMPOWERMENT

Now You Are Able To:

 Base Performance Goals & Objectives On Standards Supported By This Actual Data

 Base Feedback, Oversight & Training On Actual Objective Current Performance Data

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LEADERSHIP TRAINING

Peter A. Land, MS, CSP, CMC, CPCM Peter A. Land, Associates, Inc.



PERCENTAGES FOR LEARNING AND RETENTION

■10% OF WHAT WE HEAR

●15% OF WHAT WE SEE

20% OF WHAT WE BOTH SEE AND HEAR

•40% OF WHAT WE DISCUSS WITH OTHERS

\$80% OF WHAT WE EXPERIENCE DIRECTLY OR PRACTICE

@90% OF WHAT WE ATTEMPT TO TEACH OTHERS

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LEARN AND PRACTICE

SKILLS NEEDED TO:



IMPROVE LISTENING

AND

ENHANCE RETENTION

BY

DOUBLE SPEAK

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LEARN AND PRACTICE SKILLS NEEDED TO:

1. SET GOALS



LEARN AND PRACTICE SKILLS NEEDED TO:

1. SET GOALS

2. COACH

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LEARN AND PRACTICE SKILLS NEEDED TO:

1. SET GOALS

2. COACH

3. PROVIDE FEEDBACK

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EDUCATION

VS.



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SCOTOMA

SCOTOMA

PERCEPTUAL FILTER

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4 BROAD CATEGORIES OF POOR / IMPAIRED PERFORMANCE



4 BROAD CATEGORIES OF POOR / IMPAIRED PERFORMANCE

1. Lack of Skill or Knowledge

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4 BROAD CATEGORIES OF POOR / IMPAIRED PERFORMANCE

- 1. Lack of Skill or Knowledge
- 2. Imbalance of Consequences



4 BROAD CATEGORIES OF POOR / IMPAIRED PERFORMANCE

- 1. Lack of Skill or Knowledge
- 2. Imbalance of Consequences
- 3. Task Interference

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4 BROAD CATEGORIES OF POOR / IMPAIRED PERFORMANCE

- 1. Lack of Skill or Knowledge
- 2. Imbalance of Consequences
- 3. Task Interference
- 4. Lack of / Poor Feedback





GOAL SETTING RECIPE

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GOAL SETTING RECIPE

${f S}$ Specific, not general or vague



GOAL SETTING RECIPE S SPECIFIC, NOT GENERAL OR VAGUE M MEASUREABLE

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GOAL SETTING RECIPE

- ${f S}$ Specific, not general or vague
- **M** MEASUREABLE
- **A** ACHIEVABLE WITH STRETCH



GOAL SETTING RECIPE

- ${f S}$ Specific, not general or vague
- **M** MEASUREABLE
- **A** ACHIEVABLE WITH STRETCH
- **R** REALISTIC IN THE REALM OF THE POSSIBLE

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PRIMARY

COACHING QUESTIONS



GOAL SETTING RECIPE

- ${f S}$ SPECIFIC, NOT GENERAL OR VAGUE
- ${\bf M}$ measureable
- **A** ACHIEVABLE WITH STRETCH
- **R** REALISTIC IN THE REALM OF

THE POSSIBLE

T TRACKABLE OVER TIME

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PRIMARY COACHING QUESTIONS 1. What did you do <u>well</u> in this activity?



PRIMARY COACHING QUESTIONS

1. What did you do <u>well</u> in this activity?

2. If you could do this activity over again, what would you do <u>differently</u>, if anything?

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PRIMARY COACHING QUESTIONS

1. What did you do <u>well</u> in this activity?

2. If you could do this activity over again, what would you do <u>differently</u>, if anything?
3. What did you <u>learn</u> from this activity?

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POSITIVE FEEDBACK



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1. DESCRIBE PERFORMANCE IN DETAIL



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- 2. STATE THE VALUE/BENEFIT

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POSITIVE FEEDBACK

- 1. DESCRIBE PERFORMANCE IN DETAIL
- 2. STATE THE VALUE/BENEFIT
- 3. EXPRESS APPRECIATION



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- 1. DESCRIBE PERFORMANCE IN DETAIL
- 2. STATE THE VALUE/BENEFIT
- 3. EXPRESS APPRECIATION
- 4. DEMONSTRATE CONFIDENCE

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POSITIVE FEEDBACK

- 1. DESCRIBE PERFORMANCE IN DETAIL
- 2. STATE THE VALUE/BENEFIT
- 3. EXPRESS APPRECIATION
- 4. DEMONSTRATE CONFIDENCE
- 5. THANK THEM FOR FUTURE PERFORMANCE

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