



209:Leadership & Management Skills for the Attorney/Manager

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Faculty Biographies

Michael F. Cunningham

Michael Cunningham is assistant vice president, staff counsel for Infinity Insurance Company in Birmingham, Alabama. Infinity Insurance is the second largest non-standard insurance carrier in the country.

Mr. Cunningham previously was the managing attorney for Infinity's staff counsel in Orlando. He has also worked for Nationwide Insurance in Ohio and Florida and Arter & Hadden, a large private defense firm.

Mr. Cunningham recently wrote an article on the application of the Fair Labor Standards Act to the insurance industry and other businesses for the *ACCA Docket*. He also lectured at ACCA's 2002 Annual Meeting on the topic of Managing Diversity in the Workplace.

Mr. Cunningham graduated, *summa cum laude*, from Case Western Reserve University in Cleveland and played outside linebacker on the Spartan's football team. He attended the Ohio State University College of Law and graduated with Highest Honors.

William W. Kimball

William W. Kimball is vice president house counsel with the Prudential Financial, Inc. in Philadelphia. He is responsible for oversight leadership, management, and administration of staff counsel operations, consisting of 42 attorneys and 69 administrative personnel located in 12 offices throughout the country who handle approximately 6,100 actions per year. He provides direction to ensure compliance with litigation standards and ethical obligations. He provides performance feedback and appraisals for the managing attorneys of the staff counsel offices.

He serves on the ACCA's Insurance Staff Counsel Committee, is a member of the ABA Staff Counsel Committee and the Pennsylvania Bar Association Staff Counsel Committee.

Mr. Kimball received his BA from Lehigh University and JD from New York Law School.

Leadership and Management Skills for the Attorney Manager

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Presented by William Kimball and Michael Cunningham

October 8, 2003

Seminar Goals

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- Provide some ideas and strategies for managers to bring back to improve success of the office.
- Focus on specific skills and tips to bring back to the office.
- Pick two or three ideas to implement when you return

Seminar Goals

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- Point out various resources for further analysis.

- Allow reflection on areas of improvement and focus.

Importance of Management and Leadership Skills

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- Quality, experienced attorneys and staff are the most important part of a successful law office.

- Inexperienced and ineffective managers result in loss of human capital and deprive an office of needed experience and talent.

Importance of Management and Leadership Skills

- A ■ Employees leave managers, not companies
C (Source: First Break All the Rules)
C
- A ■ Quality leadership and management is only
2 guarantee that intellectual capital in firm
0 will reach its highest potential.
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Importance of Management and Leadership Skills

- A ■ Considered together only one conclusion
C can be reached:
C
- A
 - 2 – The Companies and Law Firms with the Best
0 Managers will retain the best employees, will
0 retain institutional knowledge, and will excel.
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Topics of Discussion

- A ■ Inventory of Traits of Great
C Leaders/Managers
- C ■ Skill Development for Managers
- A – Interpersonal Communication
- 2 – Dispute Resolution
- 0 – Delegation and Time Management
- 0 – Defining Goals and Tasks
- 3 – Feedback and Reward to Employees
- Methods of Coaching Employees

Topics of Discussion

- A ■ Developing Attorneys and Staff
- C
- C
- A ■ Continuous Learning/Training for Managers
- 2
- 0 ■ Grooming the Next Generation of Managers
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**We are what we repeatedly do.
Excellence then is not an act,
but a habit.
Aristotle**

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**Inventory Skills of a
Coach/Leader**

- Available when needed for advice, information, decisions, problem solving (Keep open door)
- Explains clearly how an associate's job fits in and why it's important
- Stays informed about the most important goals and projects an associate is working on (get out of office, observe, talk and respond to associates)

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Inventory Skills of a Coach/Leader cont...

- A ■ Keeps associates informed of changes and other
C news affecting the organization and associates'
C jobs
- A ■ Causes associates to feel important, trusted, and
2 valued member of the team and that you care
0 about them
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Inventory Skills of a Coach/Leader cont...

- A ■ Increases associates' confidence and self esteem
C by praising accomplishments and celebrating
C successes
- A ■ Chooses the right time to intervene with coaching
2 (handle even smallest problems immediately;
0 don't put your "head in the sand.")
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Inventory Skills of a Coach/Leader cont...

- A ■ Asks the right questions to stimulate associates to think through situations and gain self-insights
- C
- C
- A ■ Communicates clearly and candidly, avoiding vagueness, ambiguity, mixed messages and confusion (know different people perceive the same things differently-anecdote manager perceived as having favorites)
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Inventory Skills of a Coach/Leader cont...

- A ■ Listens non-judgmentally for full understanding when discussing problems ideas and goals (use good listening skills; be aware of non-verbal communication)
- C
- C
- A
- Ensures that all coaching sessions end upbeat so the associate leaves feeling empowered and confident
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Inventory Skills of a Coach/Leader cont...

- A ■ Ensures attainment of goals set in coaching sessions by having an appropriate number of follow up reviews
- C
- C
- A ■ Deals with associates defensiveness, helplessness, exuberance, frustration, enthusiasm and other emotions
- 2
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- 3 ■ Provides direction, clearly defining goals to be achieved and how success will be measured

Inventory Skills of a Coach/Leader cont...

- A ■ Ensures associates know of their client's goals, objectives and needs
- C
- C ■ Gives constructive feedback in a way that clearly communicates the intention is to help and not belittle.
- A
- 2 ■ Creates optimistic, collaborative and results oriented approach for problem solving; not focusing on fault finding
- 0
- 0
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Inventory Skills of a Coach/Leader cont...

- A ■ Creative and resourceful in suggesting actions
C associates can take to improve performance and
C job satisfaction
- A ■ Discuss and understand associates' career goals,
2 interests and concerns
- 0 ■ Provide honest, realistic answers to questions and
0 don't make promises that can't be kept
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Inventory Skills of a Coach/Leader cont...

- A ■ Be an advocate for associates regarding salary
C increases, promotions and similar matters
- C ■ Keep associates aware of prospects for promotion
A or lateral reassignment
- 2 ■ Gives timely feedback on progress toward
0 performance goals (acknowledge good
0 performance- a simple "Thank you" goes a long
3 way)

Inventory Skills of a Coach/Leader cont...

- A ■ Gives feedback on perceptions of associates skill, strengths and weaknesses
- C
- C
- A ■ Addresses performance problems early and clearly
- 2
- 0 ■ Help associates understand the skill requirements and selection criteria for other jobs in the organization
- 0
- 3

Inventory Skills of a Coach/Leader cont...

- A ■ Delegate or assign projects to help associates increase job satisfaction or to stretch and broaden their skills
- C
- C
- A
- 2 ■ Help associates master all the skills needed to succeed in the job, especially with new assignments
- 0
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Inventory Skills of a Coach/Leader cont...

- A ■ Encourage continuous improvement, constant
C learning and experimentation; tolerating well-
C intentioned mistakes
- A ■ Foster teamwork, trust, open communication and
2 coaching between associates and peers
- 0
- 0 ■ Ensure associates have a plan for development and
3 discuss it regularly with them

A **Knowing others is wisdom.**
C **Knowing yourself is**
C **enlightenment.**
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Lao Tzu

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Skills a good manager needs to develop

- A ■ Interpersonal Leadership (developing strong
C positive relationships with associates based upon
C mutual trust, respect, and good communication,
A while maintaining high standards)
- 2 ■ Delegation and Mutuality (involving associates in
0 the process of setting goals and assigning tasks
0 that are realistic, but high enough to meet the
3 requirements of the situation)

Skills a good manager needs to develop cont...

- A ■ Goal and Task Definition (explaining
C clearly and thoroughly to associates what
C need to be done and why)
- A ■ Feedback and Reward (use positive
2 feedback and recognition consistently and
0 fairly in response to associates
0 performance)
3

A **There go the people. I must**
C **follow them for I am their**
C **leader.**
A
2 **Mohandas Gandhi**
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Interpersonal Leadership

A ■ **Pay close attention to what associates say**
C ■ **Make sure there is a frank and open exchange**
C **of ideas in group meetings**
A ■ **Be supportive and helpful in daily contacts with**
A **associates**
2 ■ **Perceive and react sensitively to the needs and**
0 **feelings of others**
0 ■ **Demonstrate high personal and professional**
3 **standards**

Win/Win

- A ■ **Need to assume that a win/win solution can be found**
- C ■ **Need to share information and be open about feelings and wishes**
- A ■ **A mutually acceptable solution must be clearly defined**
- 2
- 0 ■ **A clear agreement to the solution must be obtained from everyone involved**
- 0
- 3

The Case of the Orange

A participatory exercise.

Delegation and Mutuality

- A ■ Allow associates to influence performance goals that are set
- C ■ Set challenging goals and Standards
- C ■ Ask for associate's ideas on things that affect them before decisions are made
- A ■ Encourage associates to initiate tasks or projects that they think are important
- 2 ■ Make associates feel they are responsible for their own work
- 0
- 0
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Time Management and Delegation

- A ■ Discussion of article "Management Time: Who's got the monkey?" Harvard Business School Publishing, Copyright 1974 by William Oncken, Jr. and Donald L. Wass, November-December, 1974 issue, pages 75-80, Product # 74607. Harvard Business School, Publishing Division, Customer Service, 300 North Beacon, Watertown, MA 02472; phone-800-547-7685, fax- 617-783-7556, e-mail-custserv@hbsp.harvard.edu
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Goal and Task Definition

- Explain tasks and projects clearly and thoroughly
- A ■ Conduct meetings so that associates have a clear
- C understanding of what was decided
- C ■ Make sure that the goals set are clear to both the
- A manager and associates
- Plan ahead to avoid crisis management
- 2 ■ Personally emphasize and demonstrate goal
- 0 commitment and persistence in achieving goals
- 0
- 3

Feedback and Reward

- Provide performance feedback on an ongoing basis
- A in addition to the end of the year formal appraisal
- C ■ Describe a person's performance accurately when
- C discussing it with him/her
- A ■ Work with people to develop their strengths and
- correct their weaknesses
- 2 ■ Base rewards (salary increases, recognition,
- 0 promotions) on excellence of job performance
- 0 ■ Utilize recognition and non-monetary rewards to
- 3 reward excellence

You must learn from the mistakes of others. You can't possibly live long enough to make them all yourself.

Sam Levenson

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Technical Leadership Matrix of Coaching

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- Performance Improvement Coaching
- Career Coaching
- Development Coaching

<h1>Performance Improvement Coaching</h1>	
A C C A	WHY: ➔Achieve better results ➔Solve Problems ➔Learn from Experience
A 2 0 0 3	HOW: ⇒State purpose ⇒Describe behavior (descriptive not evaluative), ⇒Listen & express understanding ⇒Get Agreement on the problem ⇒Involve associate in determining solutions ⇒ Summarize ⇒ Set Follow Up dates
A 2 0 0 3	WHEN: ⇒System or improvement process ⇒Completion of a task/project ⇒Unsatisfactory Performance ⇒A direct report requests it ⇒Annual performance review triggers need
	WHO: ➔(usual initiator)- Manager

<h1>Career Coaching</h1>	
A C C A	Why: ☉To achieve commitment and job satisfaction ☉To retain your best, brightest and most valuable people
A 2 0 0 3	How: ☉State Purpose ☉Understand the issue ☉Define the ideal ☉Identify Assets and Limitations ☉Discuss Options and Opportunities ☉Create the Plan
A 2 0 0 3	When: ☉A direct report requests it ☉After a major organizational change ☉Before making personnel decisions ☉Whenever job dissatisfaction or frustration is high
	Who ☉ Direct Report usual initiator

<h2>Development Coaching</h2>					
A C C A 2 0 0 3	<table border="1"> <tr> <td style="vertical-align: top;"> Why: ☛To improve existing skills, to learn new skills </td> <td style="vertical-align: top;"> How: ☛State Purpose ☛Identify skills and knowledge required ☛Assess direct reports strengths and weaknesses ☛Choose Specific Developmental Goals Discuss options and create Development Plan </td> </tr> <tr> <td style="vertical-align: top;"> When: ☛New employee ☛To prepare for promotion or reassignment ☛After performance improvement coaching or career coaching ☛To prevent boredom, lack of challenge and obsolescence ☛To promote continuous learning </td> <td style="vertical-align: top;"> Who: ☛Manager or Direct Report usual initiator </td> </tr> </table>	Why: ☛To improve existing skills, to learn new skills	How: ☛State Purpose ☛Identify skills and knowledge required ☛Assess direct reports strengths and weaknesses ☛Choose Specific Developmental Goals Discuss options and create Development Plan	When: ☛New employee ☛To prepare for promotion or reassignment ☛After performance improvement coaching or career coaching ☛To prevent boredom, lack of challenge and obsolescence ☛To promote continuous learning	Who: ☛Manager or Direct Report usual initiator
Why: ☛To improve existing skills, to learn new skills	How: ☛State Purpose ☛Identify skills and knowledge required ☛Assess direct reports strengths and weaknesses ☛Choose Specific Developmental Goals Discuss options and create Development Plan				
When: ☛New employee ☛To prepare for promotion or reassignment ☛After performance improvement coaching or career coaching ☛To prevent boredom, lack of challenge and obsolescence ☛To promote continuous learning	Who: ☛Manager or Direct Report usual initiator				

<h2>Attorney Development</h2>	
A C C A 2 0 0 3	<p>■ Management must take an active role in attorney development</p> <ul style="list-style-type: none"> – Without a “push” from management day-to-day grind will prevent many attorneys from taking advantage of development opportunities – Setting goals and rewarding developmental activity is best way to ensure continued improvement of attorneys

Prerequisites for Attorney Development

■ Manager must:

- A – Set clear objectives and provide continual feedback
- C – Reward and compliment best employees to ensure that they will remain a member of the firm
- C – Take time to know employees and demonstrate that you care about them as people as well as employees.
- A – Practice what you preach and set an example for other employees to follow in terms of work, attitude and person conduct.
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Attorney Development

■ Create Career Path for each attorney

- A – Agreed plan with attorney re: development
- C – Determine attorney's goals- some drive toward management others to be trial attorney
- C – Document precisely what attorney needs to do or complete to reach goals on career path
- A – Provide regular feedback to attorney as to progress
- 2
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- 3 – Complete honesty on employee's strengths and weaknesses required

TAKE AWAY

■ Develop Career Path for your Direct Reports

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- Initiate Discussion over short and long-term goals
- Commit to assisting them by providing clear and precise means to achieve goals
- Calendar to follow-up with employee on quarterly basis

Attorney Development cont...

■ Provide for development of trial skills

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- Trial school
- Monthly development meetings and training sessions on trial skills
 - » Bring in outside experts from local law schools; or consultants who will come for cost of travel
 - » Tap internal knowledge and have Senior Trial Attorneys Provide training on trial skills
- Mock trials for upcoming cases
 - » Create ground rules for appropriate times and content
 - » Invite all staff to attend and comment

Attorney Development cont...

■ Technology

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- Advise attorneys that technological competence is required; and technological excellence will be rewarded
 - Make failure to learn technology unacceptable
 - Use your internal experts to provide training when possible
 - Hire consultants or trainers otherwise

Attorney Development cont...

■ Technology Ideas

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- Teach attorneys Word skills
 - Train attorneys and paralegals in use of Trial Director and Power Point
 - Try Voice Recognition Technology
 - Attend Legal Tech seminars

Attorney Development cont...

■ Bottom Line on Technology

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- The manager that promotes technology, provides training, and requires that these skills be developed will be more successful than those that do not.
 - If they have not already, your clients will soon demand technology proficient attorneys and support staff

TAKE AWAY

■ Develop Technology Plan for 2004

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- Determine what technology is available
 - Determine what technology fits with your infrastructure
 - Locate others who have implemented the technology
 - Devise Roll-Out Plan to include training

Attorney Development cont...

■ Outside Activities

- A – Attendance at ACCA and ABA
- C – Local Bar involvement
- A – Cross-training with managers and attorneys from other offices
- 2 – Build these activities into attorneys Goals or
- 0 reward otherwise for these activities
- 0
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Training Managers

■ Attorneys need guidance in learning management/leadership skills.

- A
- C
- C
- A ■ Attorneys who become managers generally do not focus on learning management skills.
- 2
- 0
- 0 ■ “Soft” management skills can be learned.
- 3

Training Managers

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- Upper management must focus on teaching and applying management and leadership skills to their managers and management bound employees.
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Training Managers

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- Make learning management skills part of new managers Goals and Objectives
 - Follow-up on management skills and ensure that managers continue to develop over their careers
 - “If it gets measured, it gets done.”
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Training Managers

- A ■ On the job training and in-house
C management training
- C
- A ■ Books and Periodicals aimed at managers
- 2
- 0 ■ External seminars (e.g. Skill Path)
- 0
- 3 * List of resources provided in materials

Training Managers

- A ■ Most Important Aspect of Management
C Training:
- C
- A
 - 2 – Managers must know and understand that this
 - 0 training is critical to their development and that
 - 0 they will not advance w/o demonstrating
 - 3 proficiency in management skills

TAKE AWAY

- A ■ Devise Management Training Program for
C Yourself or Managers that you Manage,
C include internal and external sources
- A ■ Develop Timeline for Completion of Tasks
- 2 ■ Measure effectiveness of training and how
0 and when the skills have been implemented
- 0 ■ Require manager to report on skills learned
3 and implemented

Grooming a Successor

- A ■ Critical to have someone to run the firm in your
C absence
C – Question: How many times do you call your office
A when you are out at a seminar?
A – Consider: What message does this send to your
attorneys and staff?
- 2 ■ Allow your 2nd to make decisions, and even make
0 some mistakes
- 0 ■ Empower that person in your absence
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Grooming a Successor

- A ■ Make sure the chosen successor has skills to be
great Manager and Leader
- C ■ Avoid trap of grooming the best lawyer to be the
C successor, absent evaluation of personality traits
A and work habits
- Consider:
 - 2 – Team Approach vs. Solo
 - 0 – Conciliatory vs. Argumentative
 - 0 – Calm and in control vs. excitable and emotional
 - 3

Grooming a Successor

- A ■ Manager must be a coach not a player; coach can
C only instruct, players must get in and do it; coach
C readies his players for the challenge and gives
A them the tools to do the job, but then stands on the
sidelines
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Conclusion

■ The Great Managers and Leaders are never done learning:

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– Consider the best idea you heard today. Write down:

- » 1. What you learned.
- » 2. What you are going to do.
- » 3. When you are going to do it.
- » 4. What is the expected benefit.
- » 5. How you will measure it.
- » 6. When you will measure it.

What lies behind us and what lies before us are small matters compared to what lies within us.

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Ralph Waldo Emerson

LEADERSHIP AND MANAGEMENT SKILLS FOR THE ATTORNEY MANAGER**RESOURCES and RECOMMENDED MATERIALS****Adult Learning:**

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Rothwell, W. J. (1999) "The action learning guidebook: A real-time strategy for problem solving, training design, and employee development." San Francisco, CA: Jossey-Bass.

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Dotlich, D. L. & Cairo, P. C. (1999) "Action coaching: How to leverage individual performance for company success." San Francisco, CA: Jossey-Bass

Goldsmith, M., Lyons, L., Freas, A., & Witherspoon, R (Eds.) (2000) "Coaching For leadership: How the world's greatest coaches help leaders learn." San Francisco, CA: Jossey-Bass.

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Stone, F. M. (1999) "Coaching, counseling, mentoring: How to choose and use the right technique to boost employee performance." New York, NY: AMACOM.

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Benfari, R. (1995) "Changing your management style." New York, NY: Lexington Books.

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Fisher, K., & Fisher, M. D. (2000) "The distance manager: A hands-on guide to Managing off site employees and virtual teams." New York, NY: McGraw-Hill.

Gebelein, S. H., Stevens, L.A., Skube, C. J. & Lee, D. G. (2000) "Successful Manager's handbook: Development suggestions for today's managers." Minneapolis, MN: Personnel Decisions International.

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Pearman, R. R. (1999) "Enhancing leadership effectiveness through psychological Type: A development guide for using psychological type with executives, Managers, and supervisors." Gainesville, FL: Center for Applications of Psychological Type.

**Vicere, A. A., & Fulmer, R. M. (1998) "Leadership by design" Boston, MA:
Harvard Business School Publishing.**

Recommended Seminars/Training for Managers:

Skill Path Seminars 6900 Squibb Road, PO Box 2768, Mission KS 66201-2768;
phone: 1-800-872-7545 provide management workshops throughout the country

Fred Pryor Seminars www.pryor.com 800-556-2998

Forum Corporation of North America www.forum.com prepare tailored
management training programs and exercises

BEST PRACTICES FOR CAREER DEVELOPMENT

The immediate manager of all attorneys and staff will meet with new Employees within two (2) weeks of the employee's start date and develop a Career Plan (see form attached). The Career Plan will be completed by the Manager and the employee and approved by the Manager's immediate Supervisor.

The completion of the Career Plan form will occur as part of a discussion between the Manager and Employee concerning both short-term and long-term career goals. These goals should be specific in nature and focus on particular achievements and experiences. The Plan should set forth in detail the actions, training and experiences that will be completed during the calendar year to accomplish the objectives set out in the Plan.

A meeting schedule will be set out in the Plan. Every effort should be made for the meetings to occur at the date and time scheduled. The meetings must occur within seven (7) days of the scheduled date, unless there are documented unusual circumstances that prevent the meeting from occurring at that time.

The meetings will occur on at least a quarterly basis, with four (4) Career Plan meetings during a calendar year (excluding the first year, when the number of meetings will be dependent upon when the Employee started). During each meeting the Plan will be reviewed to determine the Employee's progress and compliance with the Plan and to modify the Plan if appropriate. If the Plan is not modified during the course of the year, the Employee will be expected to complete all items listed on the Plan absent exigent circumstances.

At each meeting, the employee will prepare a short report detailing progress made on the assigned task, training, etc... during that quarter. In the fourth quarter of each year, the Employee will prepare a more comprehensive report for the Manager's review documenting Career Development during the year, including any pertinent activities that were not part of the Development plan. This report will evaluate the level of compliance with that year's plan and form the basis for the following year's plan. These reports will be maintained in the Employee's personnel folder maintained by the Employee's immediate manager in a folder designated Career Plan.

In December of each year, the Managing Attorney of each office will be responsible for preparing a compilation of the reports to his or her immediate supervisor. This report should include a summary of significant events and training activities on a global level, and note exceptional individual achievements.

Failure to complete the Career Plan, to conduct the meetings, or to prepare the requisite reports will result in written Counseling Reports for both the Manager and the Employee. The Career Plan Program is a vital part of our effort to ensure that our Employees continue their development with maximum cooperation and participation from Company management. Only through full compliance with the Career Development Best Practices can this objective be reliably achieved.

STRENGTH OF WORKPLACE QUESTIONNAIRE

1. Do I know what is expected of me at work?
2. Do I have the materials and equipment I need to do my best every day?
3. At work, do I have the opportunity to do what I do best every day?
4. In the last seven days, have I received recognition or praise for good work?
5. Does my supervisor, or someone at work, seem to care about me as a person?
6. Is there someone at work who encourages my development?
7. At work, do my opinions seem to count?
8. Does the mission/purpose of my company make me feel like my work is important?
9. Are my co-workers committed to doing quality work?
10. Do I have a best friend at work?
11. In the last six months, have I talked with someone about my progress?
12. At work, have I had opportunities to learn and grow?

Marcus Buckingham & Curt Coffman, First, Break All the Rules 28 (1999).