IMLA

Training and Supervising

Young Attorneys

Sunday, April 17, 2016

G. Foster Mills

June A. Witterschein

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Fundamental Questions

Training and Supervising Young Attorneys

Sunday, April 17 at 9:00 am

If you plan to participate in the session above, please complete the questions below, to enable us to adjust the discussion to your needs. Please return the form to jwitters@law.nyc.gov by Friday at noon. Thank you, Foster Mills and June Witterschein

Training Questions:

Who do you represent?

How large is your office?

What areas do you practice in?

How many young attorneys do you hire?

Will they specialize in one area?

Are they admitted yet?

What resources do you have for training them?

Will you do subject matter programs in a classroom environment?

Can you do skills classes through interactive training?

Will your new hires shadow more senior lawyers?

Can you partner with local Bar Associations?

Do you use PLI?

Supervision Questions:

Do you have a systemized process for feedback?

Who gives the feedback?

Are the supervisors trained in how to deliver the necessary assessment in an appropriate way?

Do you have clear expectations for your attorneys? Benchmarks/ Competencies?

Is there a possibility for career progression in your office, or within the municipal government?

Are career progression plans discussed with your lawyers?

Are there alternative paths for lawyers who are not cut-out for your practice?

What one thing would you like to learn as a result of today's session?

_____

Name

_____

Email address

EVALUATION

CYCLE

EVALUATION CYCLE

The schedule set forth below does not replace the informal but positive and instructive feedback that must be part of the day-to-day interactions between supervisors and the ACCs reporting to them. At all times, the channels of communication must be kept open.

It is also essential to have a formal evaluation cycle, and below is the schedule for the formal process. In larger divisions, steps in the formal process may need to begin prior to the times stated to ensure that each step will fit within the evaluation period.

July 1	***Written Evaluation Period Begins***
December 15 – January 31	**Mid-Year Meetings** This is your opportunity to discuss with your supervisor the types of assignments that you would like to take on and goals that you would like to set for the rest of the evaluation period and for the near future. It is also an opportunity to ensure that you are completing all assignments that your supervisor expects from you and to confirm that there are no miscommunications with regards to responsibilities.
June	**Coaches Meet with Supervisors to Prepare for Written Evaluations** Division Coaches will meet with other supervisors in the division to discuss the drafting of evaluations, and to discuss the benchmarks for each attorney level.
June 30	***Written Evaluation Period Ends***
July 1	**Self-Evaluations are Completed** ACCs are encouraged to discuss their self-evaluations with a Coach to help prepare them for the meeting with their supervisor to discuss the written evaluation. ACCs could also choose to give their self-evaluation to their supervisor prior to the completion of their annual written evaluation.
July 1--July 31	**Written Evaluations are Prepared by Supervisors**
August 1	**Final Written Evaluations are Distributed to Attorneys**
August 1–September 1	**<u>Mandated</u> Meetings Between Supervisors/Supervisees to Review Written Evaluations are Conducted**

First Year Attorney

Evaluation

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

FOR FIRST YEAR ATTORNEYS

Reviewer: {TEXT}~ **Date:** {TEXT}~

Assistant: {TEXT}~ **Division Chief:** {TEXT}~

Class Year: {TEXT}~ **Division:** {TEXT}~

Evaluation Period: {TEXT}~

Brief description of work of assistant:

BELOW IS SAMPLE LANGUAGE: PLEASE AMEND ACCORDINGLY TO REFLECT THE RESPONSIBILITIES OF THE ACC BEING EVALUATED.

Serves as a staff litigation attorney. Responsible for managing a heavy caseload from the filing of the action or proceeding through a trial, if necessary. Conducts legal research, drafts briefs/memos, negotiates settlements, conducts discovery including document production and depositions, interviews clients or witnesses, makes court appearances for conferences, motions, hearings and trials, researches and drafts appropriate discovery and other dispositive and non-dispositive motions, and prepares for and conducts hearings and trials in state and federal court.

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

FOR FIRST YEAR ATTORNEYS

A. Legal Knowledge, Analytical Ability and Research Skills:

Describe with some detail the Assistant Corporation Counsel's legal knowledge, analytical ability and research skills. Your discussion should include examples demonstrating whether he or she has appropriate knowledge of the law in his or her area consistent with the experience level, his or her ability to research, identify and analyze issues and exercise creativity in solving problems.
{TEXT}~

B. Judgment:

Indicate whether he or she demonstrates good judgment by discussing whether he or she plans effective strategies, exercises common sense and prudence and, if it is a significant part of his or her duties, whether he or she provides sound and practical legal advice in a timely manner.
{TEXT}~

C. Negotiation:

Evaluate the attorney's ability to negotiate effectively in those instances where negotiations are a part of his or her duties.
{TEXT}~

D. Writing Skills:

Describe whether he or she writes persuasively in a manner that is grammatical, clear and concise.
{TEXT}~

E. Oral Communication:

Describe whether he or she communicates in an articulate and professional manner. Indicate whether he or she appears knowledgeable and confident and participates effectively in meetings.
{TEXT}~

F. Courtroom Skills:

Where applicable, describe his or her courtroom skills, including the ability to be persuasive and effective at oral argument and to handle matters appropriately at pre-trial conferences. For trial attorneys, include a discussion of his or her knowledge of the rules of evidence, ability to conduct direct and cross examinations, present experts and handle documents.

{TEXT}~

G. Attitude and Commitment to Work:

Discuss whether he or she shows initiative and appropriately accepts assignments and supervision, provides assistance to colleagues as needed, and contributes to a positive working environment.
{TEXT}~

H. Productivity and Efficiency:

Indicate whether he or she is productive and efficient. Include a discussion of whether he or she willingly and capably handles a number of matters simultaneously, completes assignments on time, works well under pressure, and uses available technology effectively and appropriately.
{TEXT}~

I. Interpersonal Skills:

Describe whether he or she works harmoniously and effectively with colleagues, clients, adversaries and the judiciary.
{TEXT}~

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

FOR FIRST YEAR ATTORNEYS

Provide specific suggestions for improving strengths and correcting deficiencies:

{TEXT}~

Attorney Evaluation

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

Reviewer: {TEXT}~ **Date:** {TEXT}~

Assistant: {TEXT}~ **Division Chief:** {TEXT}~

Class Year: {TEXT}~ **Division:** {TEXT}~

Evaluation Period: {TEXT}~

Brief description of work of assistant:
BELOW IS SAMPLE LANGUAGE: PLEASE AMEND ACCORDINGLY TO REFLECT THE RESPONSIBILITIES OF THE ACC BEING EVALUATED.
Serves as a staff litigation attorney. Responsible for managing a heavy caseload from the filing of the action or proceeding through a trial, if necessary. Conducts legal research, drafts briefs/memos, negotiates settlements, conducts discovery including document production and depositions, interviews clients or witnesses, makes court appearances for conferences, motions, hearings and trials, researches and drafts appropriate discovery and other dispositive and non-dispositive motions, and prepares for and conducts hearings and trials in state and federal court.

Please use the rating scale described below:
Select the rating that best describes this assistant's performance in comparison to other Law Dept. assistants whom you have observed at a similar point in their careers. Rate only those skills and characteristics of which you have personal knowledge.

1	=	Consistently exceeds highest expectations by a wide margin. Should be reserved for truly outstanding individuals who are significantly ahead of the generally expected performance level for assistants of comparable experience.
1.5		Performance falls between rating 1 and rating 2.
2	=	Clearly above the generally expected performance level for assistants of comparable experience. Quality of work is consistently very good. Assistant's development is progressing rapidly and continued growth is anticipated.
2.5		Performance falls between rating 2 and rating 3.
3	=	At the performance level generally expected for assistants of comparable experience. Quality of work is generally good. Assistant's development is progressing and there are no clear impediments to continued improvement.
3.5		Performance falls between rating 3 and rating 4.
4	=	Below the generally expected performance level for assistants of comparable experience. Quality of work varies and/or improvement necessary in substantive or other areas which should be specified in the evaluation form.
4.5		Performance falls between rating 4 and rating 5.
5	=	Significantly below the generally expected performance level for assistants of comparable experience. Considerable weaknesses in substantive or other areas which should be specified on the evaluation form.
N/O	=	Not observed

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

A. Legal Knowledge, Analytical Ability and Research Skills:

RATING	{TEXT}~
Describe with some detail the Assistant Corporation Counsel's legal knowledge, analytical ability and research skills. Your discussion should include examples demonstrating whether he or she has appropriate knowledge of the law in his or her area consistent with the experience level, his or her ability to research, identify and analyze issues and exercise creativity in solving problems.	
{TEXT}~	

B. Judgment:

RATING	{TEXT}~
Indicate whether he or she demonstrates good judgment by discussing whether he or she plans effective strategies, exercises common sense and prudence and, if it is a significant part of his or her duties, whether he or she provides sound and practical legal advice in a timely manner.	
{TEXT}~	

C. Negotiation:

RATING	{TEXT}~
Evaluate the attorney's ability to negotiate effectively in those instances where negotiations are a part of his or her duties.	
{TEXT}~	

D. Writing Skills:

RATING	{TEXT}~
Describe whether he or she writes persuasively in a manner that is grammatical, clear and concise.	
{TEXT}~	

E. Oral Communication:

RATING	{TEXT}~
Describe whether he or she communicates in an articulate and professional manner. Indicate whether he or she appears knowledgeable and confident and participates effectively in meetings.	
{TEXT}~	

F. **Courtroom Skills:**

RATING	{TEXT}~
Where applicable, describe his or her courtroom skills, including the ability to be persuasive and effective at oral argument and to handle matters appropriately at pre-trial conferences. For trial attorneys, include a discussion of his or her knowledge of the rules of evidence, ability to conduct direct and cross examinations, present experts and handle documents.	
{TEXT}~	

G. **Attitude and Commitment to Work:**

RATING	{TEXT}~
Discuss whether he or she shows initiative and appropriately accepts assignments and supervision, provides assistance to colleagues as needed, and contributes to a positive working environment.	
{TEXT}~	

H. **Productivity and Efficiency:**

RATING	{TEXT}~
Indicate whether he or she is productive and efficient. Include a discussion of whether he or she willingly and capably handles a number of matters simultaneously, completes assignments on time, works well under pressure, and uses available technology effectively and appropriately.	
{TEXT}~	

I. **Interpersonal Skills:**

RATING	{TEXT}~
Describe whether he or she works harmoniously and effectively with colleagues, clients, adversaries and the judiciary.	
{TEXT}~	

J. **Supervisory Skills**

Please complete this competency if the person being evaluated has any supervisory responsibilities in addition to line attorney responsibilities.

RATING	{TEXT}~
Please give examples as to specific people or projects that the attorney supervises. Describe whether he or she treats all staff fairly and with respect, is readily available and approachable for advice, accepts and delivers positive feedback and constructive criticism, shares information both up and down the reporting structure, and gives information about	

where to get help. Also, please describe whether he or she delegates tasks to staff while not abdicating responsibilities, follows up on staff work assignments, assures that work is of a good quality, edits written work effectively and in a timely manner, knows strengths of staff and makes appropriate assignments, sets and maintains appropriate deadlines for staff and self, and establishes an effective chain of supervision.
{TEXT}~

NEW YORK CITY LAW DEPARTMENT

ASSISTANT CORPORATION COUNSEL EVALUATION

Please answer the following questions. Answer question one only if it is applicable.

1. **If this assistant has improved or declined dramatically in performance since you last reviewed him or her, please explain the change in brief detail:**

   {TEXT}~

2. **Provide specific suggestions for correcting deficiencies and further improving strengths:**

   {TEXT}~

Overall Rating: (check appropriate box)

- ☐ 1 = Consistently exceeds highest expectations by a wide margin. Should be reserved for truly outstanding individuals who are significantly ahead of the generally expected performance level for assistants of comparable experience.
- ☐ 1.5 = Performance falls between rating 1 and rating 2.
- ☐ 2 = Clearly above the generally expected performance level for assistants of comparable experience. Quality of work is consistently very good. Assistant's development is progressing rapidly and continued growth is anticipated.
- ☐ 2.5 = Performance falls between rating 2 and rating 3.
- ☐ 3 = At the performance level generally expected for assistants of comparable experience. Quality of work is generally good. Assistant's development is progressing and there are no clear impediments to continued improvement.
- ☐ 3.5 = Performance falls between rating 3 and rating 4.
- ☐ 4 = Below the generally expected performance level for assistants of comparable experience. Quality of work varies and/or improvement necessary in substantive or other areas which should be specified in the evaluation form.
- ☐ 4.5 = Performance falls between rating 4 and rating 5.
- ☐ 5 = Significantly below the generally expected performance level for assistants of comparable experience. Considerable weaknesses in substantive or other areas which should be specified on the evaluation form.

Supervisor Evaluation

NEW YORK CITY LAW DEPARTMENT

SUPERVISOR EVALUATION

Reviewer:

Click here to type

Date:

Click here to type

Assistant:

Click here to type

Division Chief:

Click here to type

Division:

Click here to type

Appointment Date to Position:

Click here to type

Evaluation Period:

Click here to type

Brief description:

BELOW IS SAMPLE LANGUAGE: PLEASE AMEND TO REFLECT THE RESPONSIBILITIES OF THE SUPERVISOR BEING EVALUATED.

(click here and delete this instruction before issuing the evaluation)

An effective supervisor develops a work environment that encourages and motivates team members to meet clearly defined objectives; provides quality coaching/teaching to elicit the best performance from the team members; sets clear expectations to promote growth and development for each team member; and identifies and resolves the obstacles impacting work performance by developing and cultivating relationships throughout the Law Department.

Please use the rating scale described below:

Select the rating that best describes this supervisor's performance in comparison to other Law Department supervisors whom you have observed at a similar point in their careers. Rate only those skills and characteristics of which you have personal knowledge.

1	=	Consistently exceeds highest expectations by a wide margin. Should be reserved for truly outstanding individuals who are significantly ahead of the generally expected performance level for supervisors of comparable experience.
1.5	=	Performance falls between rating 1 and rating 2.
2	=	Clearly above the generally expected performance level for supervisors of comparable experience. Quality of work is consistently very good. Supervisor's development is progressing rapidly and continued growth is anticipated.
2.5	=	Performance falls between rating 2 and rating 3.
3	=	At the performance level generally expected for supervisors of comparable experience. Quality of work is generally good. Supervisor's development is progressing and there are no clear impediments to continued improvement.
3.5		Performance falls between rating 3 and rating 4
4	=	Below the generally expected performance level for supervisors of comparable experience. Quality of work varies and/or improvement necessary in substantive or other areas which should be specified in the evaluation form.
4.5		Performance falls between rating 4 and 5.
5	=	Significantly below the generally expected performance level for supervisors of comparable experience. Considerable weaknesses in substantive or other areas which should be specified on the evaluation form.
N/O	=	Not observed

NEW YORK CITY LAW DEPARTMENT

SUPERVISOR EVALUATION

I. EFFECTIVE LEADERSHIP

RATING	Click here to type

A. Creates a Supportive Work Environment:

1. Treats all staff fairly and with respect
2. Readily available and approachable for advice
3. Shares information both up and down the reporting structure

B. Promotes Professional Development:

1. Identifies training needs and is proactive in recommending the needs are met
2. Provides support necessary to allow staff to participate in Professional Development activities
3. Prepares staff to act independently
4. Gives opportunities to act independently and acquire new skills
5. Provides sufficient support to act independently

C. Identifies and Solves Problems:

1. Identifies problems in a timely manner
2. Gathers and analyzes information
3. Seeks advice when appropriate
4. Develops and implements effective solutions
5. Gives information about where to get help

COMMENTS	Click here to type

D. Effectively Implements Equal Employment Opportunity Policies:

1. Provides employees with appropriate EEO information and referrals
2. Ensures that employees participate in scheduled EEO training
3. Performs supervisory duties in a manner that utilizes all staff effectively and appropriately

E. Ensures Non-Discrimination within Workplace:

1. Ensures that all staff are treated in a fair and equitable manner
2. Promptly consults with the Agency's EEO Officer if a violation of the EEO Policy is observed, discovered, or suspected
3. Fosters a work environment that is supportive of diversity

COMMENTS	Click here to type

II. EFFECTIVELY SUPERVISES WORKFLOW

RATING	Click here to type

A. Sets and Achieves Goals:

1. Sets short and long-term goals
2. Establishes and coordinates procedures to achieve goals
3. Effectively monitors progress to achieve goals
4. Readjusts goals and workloads to reflect needs and resources
5. Works well with others, including outside agencies and court personnel to achieve goals

B. Assigns Tasks and Follows Up:

1. Delegates tasks to staff while not abdicating responsibilities
2. Follows up on staff work assignments
3. Assures that work is of good quality
4. Edits written work effectively and in a timely manner
5. Knows strengths of staff and makes appropriate assignments
6. Sets and maintains appropriate deadlines for staff and self
7. Establishes effective chain of supervision

C. Demonstrates Flexibility

1. Demonstrates willingness and ability to handle a number of matters simultaneously
2. Works well under pressure
3. Demonstrates willingness to assist other attorneys and supervisors

COMMENTS	Click here to type

D. Communicates Effectively with Staff and Management

1. Communicates in an articulate and professional manner
2. Clearly conveys goals and expectations to staff
3. Accepts and delivers positive feedback and constructive criticism
4. Writes effective evaluations, memoranda and other administrative reports
5. Shows appropriate discretion in using email
6. Conducts and participates effectively at meetings

COMMENTS	Click here to type

E. Utilizes Resources:

1. Ensures that staff uses available technology effectively and appropriately
2. Reallocates work and staff as needed
3. Encourages staff to use available resources (library, operations, interdivision expertise, support staff expertise) and creates means to do so
4. Supervises preservation and other electronic evidence issue effectively

COMMENTS	Click here to type

III. HIGH QUALITY PERSONAL PERFORMANCE/ADVANCED LAWYERING SKILLS

RATING	Click here to type

A. Demonstrates Sound Judgment

1. Provides staff and clients with practical advice in a timely manner
2. Discusses strategies
3. Respects the confidentiality of information
4. Is responsive to division management in urgent situations
5. Makes decisions within the scope of his or her authority
6. Exercises common sense and appropriate discretion

COMMENTS	Click here to type

B. Demonstrates Subject Matter Knowledge and Analytical Ability

1. Has comprehensive knowledge in subject specialty
2. Has analytical abilities commensurate with experience
3. Applies knowledge and analysis to the effective resolution of matters
4. Stays informed of developments in subject specialty

C. Advanced Lawyering Skills (to the extent applicable given the supervisor's duties):

1. Effectively manages substantive legal work as well as supervisory duties.
2. Identifies and solves complex legal issues
3. Writes persuasively and clearly
4. Establishes constructive counseling relationships with clients
5. Interacts appropriately with opposing counsel
6. Negotiates complex settlements or transactions
7. Has oral argument and trial skills commensurate with experience level

COMMENTS	Click here to type

NEW YORK CITY LAW DEPARTMENT

SUPERVISOR EVALUATION

Please answer the following questions. Answer question one only if it is applicable:

1. **If this supervisor has improved or declined dramatically in performance since you last reviewed him or her, please explain the change in brief detail:**

   Click here to type

2. **Provide specific suggestions for correcting deficiencies and further improving strengths:**

   Click here to type

Overall Rating: (check appropriate box)

☐ 1 = Consistently exceeds highest expectations by a wide margin. Should be reserved for truly outstanding individuals who are significantly ahead of the generally expected performance level for supervisors of comparable experience.

☐ 1.5 = Performance falls between rating 1 and rating 2.

☐ 2 = Clearly above the generally expected performance level for supervisors of comparable experience. Quality of work is consistently very good. Supervisor's development is progressing rapidly and continued growth is anticipated.

☐ 2.5 = Performance falls between rating 2 and rating 3.

☐ 3 = At the performance level generally expected for supervisors of comparable experience. Quality of work is generally good. Supervisor's development is progressing and there are no clear impediments to continued improvement.

☐ 3.5 = Performance falls between rating 3 and rating 4.

☐ 4 = Below the generally expected performance level for supervisors of comparable experience. Quality of work varies and/or improvement necessary in substantive or other areas which should be specified in the evaluation form.

☐ 4.5 = Performance falls between rating 4 and rating 5.

☐ 5 = Significantly below the generally expected performance level for supervisors of comparable experience. Considerable weaknesses in substantive or other areas which should be specified on the evaluation form.

Benchmarks

Environmental Law

Benchmark Goals for Environmental Law Division Attorneys[1]

	End of 1st Year	*End of 3rd Year*[2]	*5th Year (Not Supervisor)*	*Supervisors*
Professionalism	Volunteer regularly for assignments in various practice areas. Meet deadlines, and provide drafts to supervisors in time to allow for review and revisions. Prioritize appropriately among assignments. Seek feedback, and use it productively, applying suggestions made in one case to other matters. Communicate effectively with supervisors – coming with well-considered proposed approaches to problems rather than expecting supervisors to	Take responsibility for case management in addition to completing assignments as explained by a supervisor. This includes: • Developing arguments and theories for the case • Thinking critically about potentially relevant statutes, regulations, and case law • Anticipating what will need to be done to complete litigation papers (e.g. making sure affiants are available to execute final documents) • Keeping track of the	Develop areas of broad expertise beyond the individual case assignments, following developments in the field by reading journal articles, attending conferences, developing relationships with other practitioners in similar fields outside City government. Speak at conferences, law school events, or Law Department CLE presentations. Advise junior attorneys on projects. Write articles on environmental and municipal law topics.	Same as for 5th Year, at an increasingly sophisticated level.

[1] Given the diverse nature of the cases handled by the Division, attorneys may not always have the opportunity to perform all of the tasks described as benchmark goals for his or her level. Rather, this chart indicates the types of tasks attorneys at each level are expected to be capable of handling, and the Division will endeavor to give attorneys opportunities to develop those skills at the earliest appropriate point in their careers.

[2] Generally, attorneys at each level also continue to perform the tasks and maintain the skills associated with previous levels.

provide solutions. Offer to assist colleagues and supervisors who need help (whether or not they ask). Treat colleagues, support staff, clients and adversaries with respect and professional courtesy.	client's compliance with commitments in consent orders and other agreements. Develop contacts within client agencies.		

Responsibility for Litigation	Draft pleadings in State, federal, or administrative proceeding. Prepare response papers and compile administrative record in Article 78, using templates.	Handle several routine matters, including making recommendations about whether to answer or move to dismiss compliance cases, proposing causes of action in affirmative cases. Participate actively in management of more complex cases, developing legal theories and strategies. Develop plans for proceeding in litigation (e.g. determining whether and when a dispositive motion is appropriate, identifying needed discovery, developing appropriate recommendations for settlement). Negotiate resolutions to routine NOVs (e.g., wetland violations), including seeking Comptroller approval for settlements.	Handle routine cases independently (with guidance from supervisors), including litigation papers, discovery (paper, electronic, and depositions), and settlement negotiations. Take a leading role, working closely with supervisors, on complex cases involving new legal issues, including setting deadlines and other case management activities. Work with supervisors on complex negotiations, including those requiring sophisticated understanding of agency programs. Draft complex settlement agreements.	Supervise all aspects of all types of litigation. Consult regularly with Division Chief, Deputy Chief, and Executive Staff on complex and sensitive issues. Manage large litigation/administrative proceedings. Supervise and negotiate complex settlements and consent orders, and work with agencies on compliance with commitments.

Discovery	Draft notices of deposition and discovery demands tailored to the issues in the case. Assist with discovery -- gathering and reviewing documents, attending depositions, conducting e-discovery, etc. Identify privileged documents and prepare privilege logs. Take or defend a straightforward deposition, accompanied by a supervisor, after attending one or two depositions (may be done via Tort rotation). Work with Litigation Support on electronic discovery issues. Assist other Division attorneys in reviewing documents in big discovery cases.	Manage a document production. Draft discovery requests. Respond to discovery and interrogatory requests Take and defend depositions, including preparing witnesses, if opportunity is available.	Manage discovery in complex litigation, including making discovery motions. Take and defend complex depositions, including preparing witnesses.	Supervise discovery.

Legal Knowledge, Analytical Ability and Research Skills	Research any substantive or procedural legal issue. Learn technical issues associated with the City's infrastructure and operations as they relate to the Division's land use and environmental cases. Develop understanding of legal frameworks necessary to handle the Division's land use and environmental cases. Competently apply law to the facts of a case. Develop working knowledge of State and federal court practice. Develop working knowledge of SEQRA and laws concerning the management of hazardous substances and petroleum (i.e, brownfield practice areas).	Develop understanding of specific environmental laws, regulations, and case law – e.g. CWA, CAA, RCRA, CERCLA – through regular reading of legal blogs, newsletters, trade publications and other sources of legal information, and/or attending conferences and workshops. Develop understanding of specific technical and substantive issues – e.g. climate change, water supply, wastewater treatment, solid waste management. Assist 1st year attorneys and law students with complex research tasks. Regularly provide SEQRA advice. Regularly provide advice on issues within brownfield practice areas.	Develop familiarity with City processes (e.g., procurement rules, capital budget). Advise client agencies on legal issues arising in implementing programs.	Develop sufficient knowledge and experience to be a resource for client agencies on program decisions. Keep attorneys in the Division apprised of new developments in the areas of the supervisor's expertise.

Writing	Write with technical proficiency (grammar, spelling, formatting, citation forms). Draft basic litigation papers (complaints, answers, briefs, and affidavits), using model papers from other litigation, incorporating relevant facts. In at least one more complex case: • Draft brief point requiring extensive research. • Draft extensive factual affidavit based on conversations with client agency. Conduct research to answer questions posed by supervisors and to develop the City's legal position in routine litigation. Draft correspondence. Organize briefs and memos	Write with fewer technical errors. Regularly prepare litigation papers, including all types of motions. Think critically about model papers, seeking to develop new arguments and more effective organization. Digest complex facts and technical issues into clear language appropriate for litigation papers. Distinguish contrary authority explicitly and persuasively. Draft basic transactional documents – access agreements, indemnification agreements – using templates from other Division attorneys and/or BRDA. All writing, and all litigation papers or correspondence with courts, must be	Write elegantly and without technical errors. Regularly prepare litigation papers in complex cases. Draft complex agreement. Comment on proposed legislation and regulations. Most writing, and all litigation papers or correspondence with courts, must be reviewed by a supervisor.	Draft all types of litigation and transactional documents. Edit supervisees' writing. Assist other attorneys in the Division with complex research and formulating complex arguments. Litigation papers, complex memos, and substantive correspondence should generally be reviewed by a colleague or supervisee.

clearly, including developing and following coherent outlines All writing, including substantive advice provided in email, must be reviewed by a supervisor before it goes to a client, adversary, or court.	reviewed by a supervisor.		

Court/ Administrative Proceedings	Present a professional appearance and manner. Handle initial conferences and routine status conferences without supervision, and enter into appropriate scheduling orders. Prepare for and handle straightforward oral argument, including responding cogently to questions, accompanied by a supervisor, after attending one or two oral arguments by more experienced lawyers. Handle ECB matters independently. Assist in administrative proceeding or trial.	Present a confident manner, engaging professionally with judges and opposing counsel, and anticipating opposing positions. Handle an oral argument and routine court appearances (accompanied by supervisor). Appear confident and comfortable in the courtroom. Handle witness testimony in an administrative proceeding or trial (if opportunity arises).[3] Handle unforeseen circumstances – e.g. difficult opposing counsel and judges – with competence and flexibility.	Handle oral arguments and court appearances independently. Identify and engage experts for litigation. Take the lead in an administrative proceeding or trial. Identify issues that need to be brought to the attention of the client, Division Chief and Executive Staff.	Manage administrative proceedings and trials. Review all documents that will be submitted to courts.

[3] As with a number of the tasks in this chart, given the nature of the Division's case load, the opportunity to handle a witness during an evidentiary proceeding may not arise within the estimated timeframe.

Relationships with Clients	Provide timely answer to at least one research question. After discussing issue with supervisor, present results to client (by phone or in writing), including answering follow-up questions. Participate actively in meetings with clients (accompanied by a supervisor), presenting legal conclusions clearly.	Regularly participate in meetings with clients, gaining their trust and respect, and responding confidently to questions. Working with more senior attorneys, discuss affidavits and discovery responses with clients. Working with more senior attorneys, keep client apprised of new or important developments. Respond to client inquiries about new or unexpected legal issues.	Regularly meet independently with clients, taking a leading role. Work independently with clients to prepare litigation documents, including affidavits and responses to discovery requests.	Maintain relationships with clients (program staff and agency counsel) and consult routinely on issues in anticipation of litigation.

Environmental Law – Performance Benchmarks

Administrative Responsibilities within Division	Serve as mentor for summer intern and/or incoming 1st year attorney. Supervise interns and paralegals on discrete projects. Assist with administrative tasks for Division, such as tracking environmental legislation and regulations, recent court decisions, emerging environmental issues, and maintaining the Division brief bank. Complete required administrative tasks in a timely fashion, such as City Time, Law Manager and Monthly Report updates.	Same as for 1st Year.	Same as for 1st Year, plus: Mentor junior attorneys – serve as a resource for colleagues on substantive law, basic technical issues, and State, federal, and administrative procedure.	Supervise all levels of junior attorneys. Assist with management tasks (e.g. overseeing paralegals and interns, reviewing monthly report, etc.) Represent Division on Law Department committees.

Environmental Law Division Supervisors – Goals and Aspirations

I. Effective Leadership – "Leads By Example"

a. Creates a Supportive Work Environment – for instance:

i. Recognizes positive performance.

ii. Treats supervisees as equals, not subordinates.

iii. Seeks to resolve disputes and issues, or promptly refer them to upper management.

iv. Volunteers for administrative tasks, such as organizing monthly reports and other reporting documents, organizing Division resources such as BRDA, supervising paralegals and support staff, improving Division case management on electronic resources such as LawManager.

v. Volunteers to represent the Division on Law Department committees.

vi. Volunteers to coordinate training program for new attorneys.

vii. Shares clerical and other necessary tasks rather than leaving them to more junior attorneys.

b. Promotes Professional Development

i. Encourages and supports junior lawyers in taking on responsibility and prominent roles, including participating in and speaking at conferences.

ii. Counsels supervisees on performance throughout the year, not just in formal evaluations.

iii. Circulates recent decisions and articles to help lawyers learn, or stay current, about developing legal issues.

II. Effectively Supervises Workflow

a. Communicates Effectively about Roles and Expectations

i. Identifies supervisor's and junior lawyer's roles from the outset: e.g., is this a collaborative project, or is the supervisor a resource for the junior lawyer who is expected to work independently and take full responsibility for the matter? Continues regular discussions about roles and strategy.

ii. Encourages junior lawyers to take active roles in meetings with clients and public settings where appropriate.

iii. Articulates reasonable expectations and goals to junior lawyers; follows up promptly when misunderstandings occur or when directions are not followed; promptly reports significant work flow problems to senior staff.

iv. Establishes clear deadlines for written work and reviews drafts promptly. Where the supervisor is collaborating on writing, meets deadlines and welcomes input from the junior lawyer on the supervisor's portions of documents. Promptly informs colleagues when the supervisor's own deadlines are not going to be met.

v. Encourages junior lawyers to think creatively and work through legal issues that are appropriate to their skill levels; treats junior lawyer's ideas with respect even where the supervisor disagrees with them, explaining his/her reasoning rather than dismissing them.

vi. Reliably and promptly shares information with junior lawyers as well as with division chief and deputy and executive staff.

b. Assigns Tasks and Follows Up

i. Delegates specific projects and responsibility for case management to other lawyers, depending on their skill levels.

ii. Encourages communication among the lawyers within the division who focus on particular topics about current issues and litigation through regular meetings, both internal and with client agencies.

c. Uses Resources

i. Follows developments in available technology; encourages and assists colleagues in using new tools.

ii. Directs junior lawyers to appropriate technical or legal experts within the office or at other agencies; when appropriate, guides them in dealings with those individuals to ensure that the communications are productive.

III. Promotes Development of Advocacy Skills

a. Writing

i. Writes clearly; assists junior lawyers in developing writing skills while also respecting individual writing styles.

ii. When time permits, gives specific guidance to allow junior lawyer to make revisions – using substantive comments rather than simply rewriting. When the supervisor must do the revisions to meet a deadline, nonetheless provides specific feedback to the junior lawyer, e.g. keeping a version with tracked changes and explaining the reasoning.

iii. In commenting on written work, distinguishes among technical corrections, revisions to adjust tone or strengthen argument, and stylistic preferences.

b. Courtroom Skills

i. Guides preparation of argument; moots junior lawyers as needed.

ii. For more junior attorneys, identifies discrete points for them to argue before a court.

iii. Depending on the level of experience and risk of exposure, attends courtroom argument and is prepared to step in when appropriate; does not take over argument unless necessary.

iv. Provides constructive feedback and guidance after argument is completed; encourages discussion with junior attorney about the argument.

c. Relationships with clients, co-counsel, regulators, and adversaries

i. Acknowledges and commends the work of junior lawyers to clients and others.

ii. Encourages junior attorneys to develop working relationships with client agencies and other parties.

iii. Provides opportunities for junior attorneys to counsel client agencies and to engage directly with other parties.

iv. Prepares junior attorneys for meetings.

IV. High Quality Personal Performance

a. Demonstrates Sound Judgment

i. Provides sensible advice to colleagues and clients.

ii. Communicates advice clearly to clients.

iii. Respects distinction between legal advice and policy decisions.

b. Demonstrates Subject Matter Knowledge and Analytical Ability

i. Keeps abreast of legal developments relevant to division.

ii. Reviews work product of junior lawyers and provides constructive suggestions.

iii. Maintains high standards in written work product of her own and of the lawyers she supervises.

iv. Assists lawyers she supervises in preparing for court appearances.

c. Demonstrates Flexibility

i. Balances supervisory duties with own lawyering duties.

ii. Consistently volunteers to help colleagues facing difficult deadlines.

d. Innovates and Manages Change

i. Facilitates improvements in management and communication within the Division.

ii. Encourages ideas from others about ways to improve the work of the Division.

iii. Calls concerns raised by supervisees to the attention of higher management, as appropriate.

Labor and Employment Litigation

Coaching Collaborative

Robert Katz
Senior Counsel, Labor and Employment Law Division

Benchmarks for Labor and Employment Law Division

TYPICAL LEGAL ASSIGNMENTS PERFORMED BY RECENT LAW SCHOOL GRADUATES[1] DURING THEIR FIRST THREE YEARS IN THE LABOR AND EMPLOYMENT LAW DIVISION.

YEAR ONE

Special Proceedings (including non-complex Article 78 proceedings and Article 75 proceedings. First year attorney will second seat a more experienced attorney if Article 78 proceeding is set down for an evidentiary hearing).

Appeals to New York State Commissioner of Education.

Civil Court Actions (including Small Claims Court cases. The first year attorney is responsible for all motion practice in Small Claims Court and appears alone for oral argument/ settlement/ trial in Small Claims Court).

Supreme Court Actions (non-complex pro se and represented actions in state Supreme Court).

Federal District Court (assigned non-complex pro se actions in the latter portion of the first year).

First year attorneys may be assigned to assist more experienced attorneys with specific tasks and assignments on more complex matters being handled by the more experienced attorney.

First year attorneys receive NITA training toward the end of the first year.

First year attorneys may conduct limited settlement negotiations concerning non-complex issues in their cases.

Note – the first year attorney is closely supervised by the team supervisors in all of the above activities.

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[1] This does not necessarily apply to experienced lateral hires and experienced transfers from other divisions within the Law Department.

YEAR TWO

During the attorney's second year in this division, the attorney will continue to handle the types of assignments discussed above, with the exception of Small Claims proceedings, which are usually given to the first year attorneys. In addition to those assignments, the second year attorney will usually be assigned:

More complicated Special Proceedings concerning less routine issues, requiring more independent factual and legal analysis and more independent factual exploration and legal research.

Additional pro se federal actions and assignment of some non-complex represented federal actions. The second year attorney may also be reassigned non-complex federal and state court actions. Represented federal actions will introduce the second year attorney to discovery, including depositions, interrogatories, document production and the assertion of privileges. The second year attorney will also learn how to prepare witnesses for depositions and how to conduct and defend depositions. The second year attorney will also be exposed to more cases involving the defense of employees sued in their individual capacities and the attorneys will learn to conduct representation interviews.

The second year attorney will engage in more courtroom work than during the first year, both from the maturation of the cases received during the first year and from the assignment of more federal actions and complex matters during the second year. The second year attorney may make summary judgment motions in his or her non-complex federal and state actions. During the second year the attorney will be engaged in more court appearances, including more oral arguments and many more court conferences (including compliance conferences, status conferences and settlement conferences).

The second year will also present opportunities for more extensive and creative settlement negotiations, as well as more opportunities for basic trial work. The trial work includes proceedings before the New York State Division of Human Rights ("SDHR") (often with a more senior attorney as co-counsel) and second seating trials in federal or state court actions.

Second year attorneys may also be selected to assist more experienced attorneys in complex matters.

As noted above in the section pertaining to first year attorneys, the second year attorney performs these tasks under the close supervision of the team supervisors or more experienced attorney assigned to the matter. However, the second year attorney is expected to exercise more independent initiative in analyzing the cases and in formulating proposed strategy than the first year attorney.

YEAR THREE

During the third year in this division, the attorney will continue to handle all matters previously assigned and is expected to take on additional responsibilities including:

Assignment of more complex and difficult represented federal cases;

Assume responsibility for ongoing cases in advanced stages that are reassigned to them;

Summary judgment motion practice in reassigned cases, as well as in cases handled from the beginning;

More significant and complex discovery issues and disputes;

Pre-trial orders and motions in limine;

May serve as lead trial attorney at federal trials;

Assist more junior attorneys at SDHR hearings;

Settlement negotiations of more complex matters involving greater financial exposure and/or more significant policy considerations and parties.

As noted above, while the third year attorneys in this division are supervised by their team supervisors and the trial supervisors, they are given the opportunity and are expected to exercise more independent initiative and creativity in handling the matters entrusted to them.

BENCHMARKS FOR LEGAL SKILLS AND PROFESSIONAL RESPONSIBILITIES PERFORMED BY RECENT LAW SCHOOL GRADUATES DURING THEIR FIRST THREE YEARS IN THE LABOR AND EMPLOYMENT LAW DIVISION.

YEAR ONE

The first year attorney consistently demonstrates a sound understanding of the basic legal concepts involved in the matters assigned.

The attorney thoroughly reads the adversaries' papers, including the exhibits and materials referenced therein, prior to coming to discuss the case with the supervisor.

The attorney effectively begins to analyze the facts and to identify the relevant legal and factual issues presented.

The attorney consults with the supervisor and seeks appropriate guidance after carefully reading the adversaries' papers. The attorney demonstrates an understanding of the adversaries' allegations and demonstrates the ability to discuss those allegations in detail with the supervisor.

The attorney demonstrates the ability to research and analyze the relevant legal issues in the matters assigned to him or her.

The attorney effectively interacts with the client in a professional and appropriate manner in order to identify and obtain the necessary relevant factual information and documents. The attorney immediately informs the supervisor of any problems in the relations with the client, including any problems concerning cooperation by the client. The attorney shows appropriate recognition of the need for positive client relations and acts to foster good client relations.

The attorney drafts well-organized responsive papers that are accurate, correctly reasoned, persuasive, grammatically correct, cite checked and carefully proofread and gives the proposed response to the supervisor sufficiently in advance of the due date in order to permit meaningful review and guidance. If the responsive papers must be signed or verified by the client, the staff attorney has completed the draft early enough to permit meaningful review by both the supervisor and then by the client.

The draft papers given to the supervisor for review reflect that the attorney has independently read all of the cases cited and analyzed the cases relative to the specific facts and allegations of the specific case in issue.

The attorney promptly and constructively discusses the supervisor's input and suggestions with the supervisor and incorporates such suggestions in the papers.

The attorney persuasively argues the clients' position at oral argument and at conferences within this office.

The attorney's subsequent written work in other cases shows that the attorney has been able to implement supervisory suggestions and guidance. That is, the attorney applies what she or he has learned from one case to the next.

The draft papers given to the supervisor for review are grammatically correct and reflect that the attorney has carefully proofread and assembled the papers and exhibits and has adhered to the division's guidelines pertaining to styles, fonts and other matters (including identifying the supervisor who reviewed the papers on the signature page of the legal memorandum).

The attorney consistently reads, adheres and conforms to the particular rules of the specific judge and forum.

The attorney deals with the adversaries in a professional manner and adheres to agreed upon deadlines for service of papers and performance of other obligations. If the attorney realizes that he or she cannot meet the agreed upon date, the attorney promptly communicates with the adversary and/or the court for an appropriate adjournment.

The attorney promptly returns the adversary's communications and makes an appropriate "paper trail" when necessary. The attorney demonstrates recognition that the way he or she relates to the adversary affects the relations between that adversary and the other attorneys in this office.

The attorney consistently keeps the client and the supervisor informed of the progress of the case. The attorney promptly responds to communications from the client and follows division policy concerning transmitting all decisions and orders promptly to the client, Division Chief, Deputy Chief and supervisors by e-mail.

The attorney consistently shows respect for all employees of this agency and maintains a good working relationship with all members of this division and of the Law Department.

The attorney gives appropriate assignments to the team's paralegals and the division's other support staff, with sufficient instructions to properly guide the task, and allows for adequate time for the task to be completed in view of the support staff's other responsibilities.

The attorney fosters the concept of team effort when working with the support staff. The attorney explains the overall project to the support staff who will be assisting on it, and how their contribution is an important and essential part of the team's effort. The attorney keeps the support staff informed and acknowledges their important contribution.

YEAR TWO

All of the above, plus:

The attorney has demonstrated significantly more independent initiative (than a first year attorney) in identifying the relevant legal and factual issues presented, and comes to the supervisor with more of a formulated plan and strategy to deal with those issues.

The discussions with the team supervisors and the work drafted by the second year attorney demonstrate an increased knowledge and awareness of the various rules, regulations and statutes that govern the operations of the city and its agencies. The second year attorney also shows an increased knowledge of the various city agencies and their inter-relationship.

The second year attorney demonstrates the sound independent initiative and judgment necessary to prepare for and to successfully attend client meetings, judicial conferences, oral arguments and other routine court appearances.

The second year attorney evidences a good knowledge of federal and state discovery rules and devices, and begins to effectively formulate strategies to obtain necessary discovery from the plaintiff and to respond to appropriate discovery demands.

Under supervision, the second year attorney effectively prepares and conducts depositions of plaintiffs and plaintiff's witnesses and prepares defendant's witnesses and defends their depositions.

Under close supervision, the second year attorney prepares direct and cross-examinations for trials and evidentiary hearings.

YEAR THREE

All of the above, plus:

Demonstrates the ability to more independently analyze the legal and factual issues presented in more unusual and complex cases.

Shows much less reliance on form pleadings and "canned" briefs.

Demonstrates more advanced research skills, including knowledge of and independent resort to such research tools as legislative histories, opinions of our Legal Counsel Division and Cases and Points.

Independently drafts more complex and involved client affidavits relating to important city policies and programs.

Demonstrates more effective use of discovery devices and greater proficiency in examining plaintiff and plaintiff's witnesses at depositions and at trials.

Assumes additional responsibilities for trials. The attorney demonstrates familiarity with all aspects of the division's trial practice, including drafting motions in limine, pre-trial orders, jury instructions and post-verdict motions.

Special Federal

Litigation

Benchmarks for an Attorney in the Special Federal Litigation Division[1]

SKILLS	END OF FIRST YEAR	END OF SECOND YEAR	END OF THIRD YEAR
Time Management[2]	Has developed a personal calendar and/organizational system that works Meets all deadlines Allots appropriate time for supervisory review Can prioritize multiple deadlines Can timely request and obtain key documents	Can multi-task a varied event-based calendar, including managing court conferences, depositions, motion and trial deadlines	
Interpersonal Skills[3]	Can speak professionally and cordially to clients, adversaries and co-workers Can promptly and succinctly respond to client and office communications (via telephone, email and		

[1] These benchmarks represent basic skills and tasks for attorneys beginning their legal careers in the Special Federal Litigation Division. They reflect the bare minimum required and the bottom-line of our general expectations. Expected standards of conduct for average vs. superior performance is not reflected herein. Additionally, given the varied nature of litigation, simply because a task is listed herein does not mean that an attorney is guaranteed to complete that task within the general time frame noted. Finally, it is assumed that attorneys will continue to grow and hone the skills achieved during the previous time-period.

[2] Mandatory building block for first year attorneys.

3 Mandatory building block for first year attorneys.

	written correspondence) Can maintain office and client confidences		
Writing and Research	Can prepare letter applications which clearly state the relief sought Can prepare persuasive and legally sound dispositive motions (motions to dismiss, motions for judgment on the pleadings and summary judgment motions) Can prepare discovery deficiency letters and can respond to discovery deficiency demands Can conduct thorough research for depositions and motions without supervisory guidance	Can independently discern and clearly present factual and legal analyses in all writings Can discern whether case has potential to be fully dispositive via motion practice Can write in a less colloquial, more professional manner	Can prepare written work which requires minimal supervisory edits. Keeps abreast of new legal developments in areas of federal practice, civil rights and rules of evidence
Courtroom[4]	Can demonstrate proper federal courtroom decorum Can attend initial conferences and status conferences (and	Can attend all court conferences – including discovery disputes - without supervision (unless novel or policy issue involved)	Can prepare all pre-trial submissions Can conduct a trial or a hearing

[4] As courtroom experience is case-specific, there are no guarantees that a certain amount or type of courtroom experience will be achieved.

	possibly settlement conferences) without supervision Can timely and properly confer and complete initial conference questionnaires and discovery plans with adversaries	Can assist in preparation of all pre-trial submissions Can assist in a trial including drafting direct and cross examinations and perhaps conducting same	
Discovery[5]	Can timely serve initial disclosures, interrogatories and document requests without supervisory prompting Can ascertain and timely serve discovery deficiency letters without supervisory prompting Can make appropriate and well-reasoned redactions and objections Can take a pro se deposition without supervisory assistance Can identify exhibits to use at depositions	Can take and defend depositions with supervisory consultation or review of outlines Can prepare a case-specific deposition outline Can determine if expert is needed Can consult with an expert	Can manage and oversee a large document production Can take and defend depositions without any supervisory oversight Can prepare for and take/defend expert depositions Can prepare for and defend 30(b)(6) depositions

[5] As discovery is case-specific, there are no guarantees that a certain amount of deposition experience will be achieved

Settlement	Can discern whether case is amenable to early settlement Can prepare settlement abstracts without supervisory review Can negotiate without supervisory participation in settlement talks with adversary Can follow division's rules regarding Rule 68s	Can properly handle settlement conferences Can make negotiation decisions (e.g. how much to increase offer during negotiations) with supervisory input	Can make negotiation decisions without supervisory input Can handle settlement preparation and negotiation of matter valued over $250,000 with little supervisory assistance

End of Fifth Year – Currently Under Development

Depending on one's level of performance and the needs of the division, attorneys may be asked to perform one or more of the following tasks:

*handle increasingly complicated matters and/or high profile matters; or
*perform limited supervisory functions; for example,
-serving as lead counsel on a case staffed by multiple attorneys; or
-first seating a trial; or
-becoming a cluster leader to a first year attorney; or
-providing general supervisory assistance as requested by one's Team Leader, Deputy Division Chief or Division Chief by reviewing written work, accompanying a more junior attorney to court, overseeing deposition preparation or depositions, attending client meetings, etc.; or
-providing yearly division training; or
*simultaneously handle both complicated cases and perform supervisory functions; or
*become a Team Leader