

[**BIAS INTERRUPTERS**] *small steps big change*

Bias Interrupters in Partner Compensation: Writing an Effective Compensation Memo

Some people feel more comfortable with self-promotion than others. Partly it depends on how you grew up: some people were taught to be forthcoming about their accomplishments. Others grew up with the “modesty mandate”—to be self-effacing and underplay their accomplishments. The modesty mandate is particularly prevalent among women, mid-westerners, class migrants (professionals who grew up in blue-collar families), and Asian-Americans.

Regardless of how you grew up, it’s important to learn to engage in deft self-promotion. Research has shown that professionals who self-promote generally are more successful than those who don’t. When you’re asked to provide a memo as part of your firm’s compensation process, the first step is to understand what’s expected.

Here are a few simple steps to help. They’ll prove useful for all groups, helping you tone it down a bit if you tend towards bluster or to step it up if you were raised with the modesty mandate.

1. Don’t hold yourself to higher standards: “What am I really contributing?”

Research shows that women often hold themselves to stricter standards than men, and often underestimate their own contributions.ⁱ Women also are less likely to question negative feedback.ⁱⁱ The same may be true of other groups that often are held to higher standards, including lawyers of color, individuals with disabilities, and (in some contexts) LGBTQ individuals. Make sure you have a sufficient network at your organization so you know how other people are judging their contributions. It’s not fair to yourself—or your organization—to judge yourself too harshly. You are not perfect—but no one else is, either.

2. Make sure you know what’s valued.

Regression analyses of law firm compensation often find that, despite the fact that firms say they value many different kinds of contributions, billable hours and origination credit determine most of the variance in law firm compensation. If you decide to dedicate your time to something different, so be it. But know what the score is. Then you have a choice: either let it go and settle for lower comp, or make the case that you’ve made a valuable contribution that should be rewarded.

3. Show that you’ve met and exceeded the objective metrics that matter.

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It may be time-consuming to identify and gather the relevant evidence to show you've met the objective metrics that matter. Spend the time. And start collecting this evidence early. Keep a folder with relevant accomplishments and create documents to track progress in real time. This is important to ensure you are treated fairly and feel the respect you deserve.

4. Don't let important compliments fall into the black hole.

Compliments from clients are important. Given that you're a partner, we'll assume you have a network of mentors, sponsors, and allies. When you get an important compliment, make sure the relevant people know about it. You can be pretty sure that some people are building their case with members of the compensation committee (or equivalent) all year around. If an email contains an important compliment, forward it to your network, and make sure the comp committee knows about it. If you are worried about backlash ("what a prima donna"), do a masculine thing in a feminine way—for example, by presenting the compliment as useful information to your partners about how they, too, can please this client.

5. Lose the doubt raisers.

Everyone has doubts. But if you don't show confidence in yourself, why should others show confidence in you? Reread your compensation memo and take out phrases such as: "I just wanted to tell you," "I think maybe," and "I wonder if..." Display quiet confidence that your hard work and dedication to the firm has paid off. (If that's not true, you can leave later—but even if you leave, you want to leave a good impression.)

6. No need to brag; just state the facts.

It's generally better to avoid characterizing your accomplishments and just provide the facts. "I was pleased to be asked to work with our largest client so early in my career" versus "I am so brilliant that I am the most junior person ever invited to work with Client X." Let others draw the conclusions. Research shows that people who engage in blatant self-promotion tend to put others off.

7. Be comprehensive.

Take the time to include all facts that make you look good.

8. What if you made a big mistake?

Be straightforward, acknowledge the mistake, and explain the steps you've taken to make sure it never happens again. But first be sure it *is* a big mistake. Apologizing over and over

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again for the kinds of small mistakes everyone makes at one point or another shows as poor judgment, as does failing to sufficiently apologize when one does make a Big One. And you can be sure that some partners will not dwell on their own limitations. You will be disadvantaged if you do so.

ⁱ K.M. Bartol, National Center for Women and Information Technology, Spotting Gender Bias in Performance Appraisal (2006); L.E. Atwater, Performance Appraisal, 337 (1998).

ⁱⁱ Id.