

STATE OF MICHIGAN

DEPARTMENT OF ATTORNEY GENERAL

COMPETENCY MODEL FOR BEHAVIORALLY ANCHORED

RATING SCALES

COMMUNICATION

Expresses ideas effectively in individual and group situations; speaks with conviction when explaining or conveying information in presentations to a variety of listeners (e.g., clients, attorneys and staff, public, etc.). Is comfortable “thinking on one’s feet”; is articulate, persuasive and prepared. Listens attentively to the comments, thoughts, and beliefs of others. Organizes and expresses thoughts and information in writing in a manner that meets the needs and requirements of the intended listener.

Needs Improvement

- Has difficulty influencing or persuading others to his or her view; does not command the attention of other people.
- When speaking, may not convey a high degree of credibility (e.g., uncertainty in voice, mumbling, over-use of “ums”, unprepared, unorganized, etc.).
- Uses jargon, acronyms or terms not understood by listener.
- Is a poor listener; hears what he/she wants to hear; does little to stay objective or to understand the needs/interests of the other party.
- Written work is unorganized, unclear or contains grammatical errors; requires a significant number of modifications or corrections to bring it up to the acceptable levels.
- Chooses an inappropriate method of communications for the situation (e.g., uses email when formal letter or memorandum is more appropriate).

Meets Expectations

- Is persuasive and influential; communicates in a manner which conveys credibility and confidence and is usually successful in getting others to understand and accept his/her ideas and actions.
- Maintains composure with argumentative persons; is assertive in personal communications and does not get intimidated.
- Speaking voice is clear and well modulated; content of oral communication is readily understood by intended listeners.
- Uses active listening techniques and provides feedback, acknowledging what others have expressed.
- Has a full understanding of material being presented or discussed; answers questions and objections effectively.
- Documents are written in logical, clear and comprehensible manner using correct grammar and vocabulary; few changes or revisions are necessary.

- Documents are written in an appropriate style and text for the purpose (e.g., brief versus demand letter, etc.).

High Performing

- Highly persuasive in communications; convincingly asserts and explains own position when he/she believes a given action should be taken.
- Highly articulate, concise, and persuasive in conversation and presentation; handles objections skillfully and effectively.
- Presentations are highly impacting on others; key messages are presented in a manner targeted for the listener; maintains excellent eye contact and body language throughout presentation.
- Is highly credible in communications; uses facts and data to support information and substantiate findings.
- Documents are highly effective because they are easy to understand, coherent and logical, and include all relevant or needed information to meet the needs of the reader; uses language and terminology that is effective for the intended reader.
- Writes in a highly effective manner, interpreting complex information and thoughtfully expressing his/her viewpoint, analysis or conclusions.

CLIENT RELATIONS

Demonstrates understanding of client goals and objectives; actively works toward meeting client needs and addressing client issues. Is accessible to the client and maintains regular communications and contact. Obtains relevant information from the client necessary to address and solve client problems. Presents advice to the client in a clear and useful manner. Balances the needs of all constituencies including client agencies, the Department, and the public.

Needs Improvement

- Does not maintain regular contact with the client.
- Fails to provide information needed by a client or for a client in a timely manner.
- Does not respond to the client in a manner most convenient or appropriate for the client (e.g., communications via phone, or email, or letter, etc.)

- Fails to fully pursue and develop an understanding of the client’s goals and objectives; as a result, does not create opportunities to meet those goals.
- Makes assumptions concerning the needs of the client instead of working with the client to understand their perspective in determining their needs to find appropriate solutions.
- Fails to treat clients needs with urgency and importance; avoids clients who have complaints; inappropriately delegates client interaction to others.

Meets Expectations

- Maintains regular contact with the client; is highly accessible to the client so that he/she can readily contact the attorney (e.g., provides phone number(s), address, email, etc.).
- Understands client needs and usually finds means by which the Department can serve those needs; takes personal responsibility for being responsive to client needs.
- Faithfully fulfills commitments made to clients.
- Develops understanding of the client and the unique challenges faced by the client; continually keeps current on this knowledge.
- Provides relevant information for the client; follows up to ensure the resolution/solution.
- Gives client information promptly and in advance (i.e., prior to scheduling deadlines).
- Updates the client on the status/progress of a file or work; promptly responds to client questions and comments.

High Performing

- Proactively initiates contact with the client on a regular basis; seeks client feedback/meetings to monitor client satisfaction.
- Is sensitive to client needs, values client, and always treats the client with respect (e.g., highly responsive to the client’s need for information, tactfully handles controversial issues affecting the client, maintains frequent and high quality communication with client, etc.).
- Proactively addresses client needs or potential problems prior to the client requesting it.
- Differentiates between policy and legal issues in client interactions; provides counsel or advice to client regarding the best legal options even though it may not be in agreement with their position.

- Demonstrates an in-depth understanding of all major client needs.
- Partners with the client to address client goals and objectives; goes “above and beyond” regular requirements to educate the client on legal issues and the current environment to make sound decisions (e.g., discusses issues, consequences of actions, etc.).

WORKING WITH OTHERS/INTERPERSONAL SKILLS

Demonstrates patience, respect, flexibility, and emotional control when working with others. Works collaboratively towards shared goals. Participates in discussions, seeks and shares information and expertise with others (e.g., attorneys and staff, clients, expert witnesses, etc.). Provides constructive feedback and willingly accepts feedback from others. Effectively takes on various roles by acting as a leader, serving as a team member, or following the directions of others to appropriately meet the needs of the specific situation.

Needs Improvement

- Does not show acceptance and respect of individual differences of ideas, experiences, or background.
- Does not consistently use appropriate or respectful language when interacting with others.
- Does not share relevant information with others.
- Prefers to work independently and sometimes resists collaboration even when the situation calls for it.
- Dismisses the opinions or suggestions put forward by others in a way that is discourteous; does not reflect on the pros and cons of a position prior to responding.
- Defines his/her own interests and needs without attempting to discover the interests and needs of other parties.

Meets Expectations

- Shows respect to others during interactions; shows openness to differences of ideas, experience, or background of others.
- Anticipates information others may need and shares information with others in a collaborative manner.
- In team settings, understands role and contribution to the team; defends own position or supports team decision when appropriate though may personally disagree.

- Shows awareness of and sensitivity to others' needs.
- Aware of and respectful of others' time constraints and workload (e.g., files documents promptly and ahead of time before other absolutely need them).
- Works collaboratively with others to make decisions and produce results; actively solicits and values others' input and expertise.
- Provides constructive feedback to others.

High Performing

- Values each individual's unique contribution; expresses this appreciation.
- Goes out of the way to help more junior attorneys by providing information and advice.
- Frequently offers to assist with matters assigned to other attorneys; provides valuable advice and support for other attorneys.
- Demonstrates/provides leadership in the context of his/her role; highly effectively moves between work roles depending on the situation; for example, leads the case, but allows the manager to make decisions/be in charge when present.
- Fosters a caring and supportive work environment through showing support and sensitivity to others' needs.
- Consistently acts in a manner that creates a climate of teamwork and collaboration among others; proactively helps others to build positive relationships to achieve objectives.

CASE/WORKLOAD MANAGEMENT

Demonstrates understanding of the elements of each assignment, the legal and factual theories involved, client needs and public's concerns. Recognizes time and preparatory work necessary to effectively handle assignments and avoid last minute rushes (includes the elements of strategy, prioritization, creativity in approach, managing and meeting deadlines, seeking advice and assistance, and advising supervisor and others of important or sensitive issues).

Needs Improvement

- Does not meet required deadlines.
- Omits pertinent documentation from files; documentation is incomplete or inaccurate.

- Fails to update case files.
- Does not effectively prioritize tasks, spends time on less important tasks at the expense of more important work.
- Fails to maintain and update calendar so that it is current.
- Does not plan and provide others with advance notice; “drops work” on support staff and coworkers at the last minute.
- Fails to update supervisor on case issues or workload conflicts.
- Fails to clarify assignments when uncertain.

Meets Expectations

- Thinks through time required to handle an assignment and the effect on other assignments.
- Set priorities among assignments that meet client demands, public policy concerns, and court and other deadlines.
- Responds in a timely manner to requests for dates and information.
- Seeks extensions on deadlines, when appropriate, well in advance such as to avoid last minute requests.
- Keeps files up-to-date, comprehensive, and orderly.
- Provides necessary information to support staff to ensure that dates and commitments are in the calendar.
- Recognizes and seeks help when lacking legal experience or expertise; recognizes a novel issue and informs others.
- Regularly updates supervisor of work and gives advance notice of conflict in meeting the workload; effectively manages calendar.
- Seeks clarification of assignments when necessary.

High Performing

- Anticipates likely developments in assignments and keeps supervisor and client informed; promptly recognizes and takes action when support from coworkers or supervisor is needed.
- Effectively manages multiple complex assignments and deadlines.
- Identifies and uses other resources (outside department/experts) as needed to achieve quality work results.
- Proactively keep supervisor well informed about matters of significance; vigilant for emerging issues or problems and advises supervisor promptly.

TECHNICAL SKILLS

Utilizes specific legal training and experience to complete assignments and resolve issues in all forums (e.g., judicial, administrative, etc.). Demonstrates command of all elements of the law. Keeps current with legal knowledge. Effectively conducts required research, advocacy and exposition. Utilizes persuasion, negotiation, and conflict resolution effectively to overcome barriers and effectively complete assignments.

Needs Improvement

- Fails to stay technically current in specific area of practice.
- Regularly asks for assistance or advice in most basic area of own area of practice.
- Does not take action to learn areas of law outside own when it is necessary to complete an assignment.
- Pushes cases to litigation when settlement is a preferred or more effective option; pushes cases to settle when litigation is a preferred or more effective option.
- Does not understand or use Alternate Dispute Resolution (ADR) or mediation.
- Is easily thrown off stride when a preplanned approach or argument needs to be revised.
- Repeats mistakes of commission or omission in assignments.
- Does not attend relevant training and/or apply it to work.
- Overlooks key issues in a case.

Meets Expectations

- Has command of law applicable to specific area of practice.
- Has command of evidentiary rules.
- Regularly reviews legal publications (paper and electronic) to stay current.
- Uses available research materials to complete work.
- Addresses and presents legal and factual arguments consistent with facts and legal research that has been developed; arguments are cogent, logical, and sound.

- Recognizes when to enter into negotiation or plea agreement.
- Effectively uses negotiation and conflict resolution techniques.
- Understands and uses available Alternate Dispute Resolution (ADR) and mediation forums appropriately.
- Notes cases that may become relevant for future work to help expedite research in the future.
- Attends and applies relevant training in performing work.
- Identifies all relevant facts and legal issues; defines the discovery approach; identifies potential defenses, etc.

High Performing

- Goes beyond own specific area of expertise to resolve legal issues.
- Develops unique or novel theories and issues to resolve assignment.
- Is highly effective in “thinking on his/her feet” and adjusting arguments to fully develop case and overcome obstacles.
- Develops highly effective aids (e.g., visual aids, exhibit books, etc.) to enhance presentations and focus client, judge, or jury on relevant information or key aspects of case or transactions.
- Persuasively negotiates complex settlements with the opposing side and with the client.
- Effectively identifies when special needs or unique issues arise in complex assignments and involves the appropriate person(s) as an expert, advisor, witness, etc., for the most effective impact.
- Recognizes when a matter is ready for settlement and has prepared the client in advance to enter into settlement or plea discussions.
- Identifies additional training resources and gains relevant legal training to improve legal skills.

PROFESSIONALISM

Demonstrates support and dedication to the Department and its mission. Acts with integrity and honesty in interactions with others. Adheres to the ethical standards for behavior and follows the professional rules of conduct. Treats others with respect and civility regardless of status or personal differences (e.g., attorneys and staff, clients, expert witnesses, etc.). Is sensitive to others and

problems or issues presented. Demonstrates responsibility and commitment, following through on his/her word. Displays sound judgment at all times to effectively serve clients, attorneys and staff, the public and Department.

Needs Improvement

- Does not accept responsibility for own decisions or mistakes, may blame others.
- Takes or recommends actions for personal reasons rather than proper professional reasons.
- Fails to treat other with respect (e.g., does not answer or return calls, does not forward calls to the appropriate individual, etc.).
- Purposely repeats information that is inaccurate.
- Engages in hostile or unnecessary rude behavior or behaves in a highly aggressive manner.
- Displays a “win at all costs” attitude and behavior; gloats about wins, regardless of impact on others involved or issues.
- Does not maintain client or Department confidentiality.
- Fails to comply with Departmental or divisional policies and procedures.
- Does not remove self from conflicts of interest, or recognize conflicting positions of clients.

Meets Expectations

- Follows through on commitments.
- Maintains confidential information about others; plans ahead in actions to limit risks or breaches.
- Is ethical in all his/her dealings with others; follows Michigan Rules of Professional Conduct (MRPC).
- Aware of implications of actions and considers them prior to taking action; identifies, handles, or refers potential ethical or highly sensitive issues (e.g., media involvement) and informs supervisor.
- Provides client full range of options and possibilities (educates); alerts client to all ramifications beyond the immediate situation; identifies risks to the client.
- Treats others with respect; remains objective and act non-judgmentally; provides or refers the right contact/person to assist others.
- Displays civility and professional integrity at all times regardless of other’s or the opposition’s actions (including potentially rude or unprofessional conduct).

- Represents the state with integrity; demonstrates sound judgment; considers the impact of legal advice and actions on office, client agency, and others.
- Complies with Departmental or divisional policies and procedures.
- Identifies and manages conflicts of interest among agencies, or among legal positions of multiple clients.

High Performing

- Accepts responsibility for own actions, even when the outcome is not desirable.
- Acts in accordance with the highest professional and ethical standards even under adverse conditions; earns the respect of others through this behavior.
- Displays extremely sound judgment; makes decisions which are the best overall taking into account the various stakeholders and the impact it will have on others.
- Always maintains a constructive and open dialogue, even when working with angry or very difficult persons.
- Consistently makes a dedicated effort to understand the legitimate interests of all stakeholders, maintaining objectivity and reaching fair and equitable agreements.
- Highly sensitive to issues presented and the impact on the individual/client and the challenges or problems they present to the individual/client.
- Counsels others and takes action to ensure they comply with professional and ethical standards.
- Effectively considers the impact of actions globally (i.e., to other individuals and agencies); balances the best interests of the public and also the client.
- Encourages and facilitates compliance with Departmental or divisional policies and procedures.

PERSONAL INITIATIVE

Takes personal responsibility for getting things done, and involves others as appropriate. Proactively manages own activities and time to effectively complete work in a timely manner. Assists others in meeting client and Department objectives. Proactively and

creatively addresses problems, considering new approaches. Consistently seeks to develop personal and professional skills needed to be prepared for future opportunities.

Needs Improvement

- Completes work only specifically assigned to her/him; does not volunteer to help others.
- Avoids spending extra time or effort to go the “extra mile.”
- Does not perform more than the minimal amount of work required (i.e., does not conduct additional research or contact other resources.
- Initiates little independent/undirected action; is not proactive; waits for direction before beginning a task.
- Accepts a situation or problem as a barrier; does not consider how to remove or reduce the impact of the barrier.
- Not usually able to generate relevant ideas or take needed action in response to defined problems or situations.

Meets Expectations

- Displays initiative and starts work/takes on assignments on own.
- Persists against obstacles to complete actions.
- Accomplishes project or task and anticipates what other tasks need to be done and takes the initiative to perform them.
- Doesn't give up on things; follows through and performs work, tasks and assignments from beginning to end.
- Accomplishes project or task; regularly anticipates what other related tasks will need to be completed and takes the initiative to perform them.
- Generates sound new ideas/solutions in situations previously experienced.
- Identifies and suggests ways in which work practices can be enhanced/improved.

High Performing

- Eager and willing to “go the extra mile” in terms of time and effort.
- Searches for additional assignments and assists others to complete work; asks for more challenging work or additional responsibility.

- Assumes complete ownership for assigned project or tasks and performs them with minimal supervision or assistance; volunteers to perform challenging or undesirable tasks.
- Accomplishes work without being told what to do or when to do it; stays one step ahead; checks the quality of his/her own work.
- Regularly acts to get things started or done without being told to do so; effectively pursues nontraditional channels (e.g., other professionals) as the need arises.
- Is insightful and resourceful in addressing problems; comes up with creative solutions to meet the needs of situations.

SUPERVISION/MANAGEMENT: GENERAL

Communicates a common vision and encourages a positive working environment, mobilizing team members and providing support and guidance in the accomplishment of tasks and objectives. Communicates performance expectations to staff and holds self and staff accountable. Seeks and provides timely, actionable, and constructive performance feedback. Reviews team actions and results with team members to learn from experiences and build team knowledge. Maintains an awareness of staff capabilities and works with others to facilitate growth and development.

Needs Improvement

- Does not demonstrate confidence in self and/or team.
- Applies policies, procedure and rules inconsistently; shows favoritism to some individuals.
- Does not share information with staff.
- Avoids/evades disciplinary matters; does not follow procedures for progressive discipline.

Meets Expectations

- Ensures that staff is knowledgeable of policies, procedures, and standards (Departmental and division); consistently and fairly enforces application of policies and procedures.
- Shares information between staff and management (e.g., memos or minutes from meetings); holds meetings to share information and implement division policy, legal information, and changes.

High Performing

- Conveys strong confidence in self and team; builds pride in the team and inspires team members to perform to their fullest.
- Takes responsibility for decisions made and for the actions of the team; shares successes with the team and accepts blame when necessary.
- Links the development of staff to present and future goals and objectives.
- Provides cross-training and develops “backups” to enhance the entire team capability.
- Identifies/recognizes skills and talent; knows staff strengths, limitations, experiences, and background and deploys them the most appropriately and effectively.

SUPERVISION/MANAGEMENT: DELEGATING RESPONSIBILITY

Allocating decision-making authority and/or task responsibility to appropriate others to maximize the organization’s and individual’s effectiveness.

Needs Improvement

- Is reluctant to assign work beyond tested resources.
- Micro-manages projects; subordinates follow order for most tasks and are not authorized to use own judgment and expertise.
- Frequently does not provide adequate information when delegating.
- Does not explain expected outcomes for an assigned task.
- Assigns inappropriate tasks for the skill level of subordinates.
- Does not effectively consider people’s workloads and schedules when assigning tasks.

Meets Expectations

- Balances subordinate workloads and skill sets when assigning tasks.

- Delegates activities to other to complete; monitors progress towards completion of the work.
- Explains expected results and allows employees to utilize appropriate degree of own judgment and knowledge to complete the work.
- Sets clear task or project completion expectations.
- Assigns appropriate tasks for the skill levels of subordinates.

High Performing

- Consistently and effectively assigns and utilizes appropriate staff and resources to complete multiple projects successfully and within or ahead of schedule.
- Delegates activities to grow staff capabilities; knows which activities can be effectively delegated to which staff.
- When assigning work, gives clear goals and objectives within parameters; empowers people to exercise own judgment and expertise to complete the work.
- Assigns tasks to team members in a manner that maximizes the quality and quantity of work which is completed by the entire team.

SUPERVISION/MANAGEMENT: ALIGNING PERFORMANCE FOR SUCCESS

Focusing and guiding others in accomplishing work objectives.

Needs Improvement

- Does not consistently emphasize the importance of high quality work; does not hold subordinates accountable for marginal quality work.
- Does not set clear expectations for defining work success.
- Does not obtain or provide adequate training or experiences for staff to accomplish work objectives.
- Does not effectively monitor progress of subordinates or team member actions resulting in wasted resources or re-work.

- Is not approachable to staff who have questions or seek advice on completing work effectively
- Does not regularly provide feedback to staff on work performance; discusses performance primarily during the annual review.

Meets Expectations

- Sets performance objectives for the individual and/or the project; ensures people understand the assignment.
- Works with subordinates to generate performance goals that are specific, measurable, and time-bound; establishes an agreed upon mechanism for monitoring progress.
- Holds team members accountable for achieving results.
- Ensures that individuals have the proper training for the task at hand.
- Monitors performance and provides regular feedback in addition to the annual performance review.
- Provides the necessary tools for staff to accomplish work objectives; helps to eliminate obstacles or problems.
- Provides objective and insightful feedback on others' strengths and weaknesses.

High Performing

- Sets high performance expectations for the individual or team; creates high levels of commitment and buy-in for results; holds others accountable for achieving the results.
- Rewards and recognizes others in ways to both intrinsically and extrinsically motivate them; identifies appropriate rewards and recognition that motivates others and consistently delivers it to maximize individual and team performance.
- Finds ways to leverage strengths of team members and manage limitations in order to deliver strong team results.
- Takes necessary risks and action to successfully find resources, training, tools, etc., to support staff needs; is creative with regard to obtaining additional resources.
- Actively coaches others and works with them to create developmental opportunities to expand their knowledge and skill level; provides highly insightful feedback and guidance for career development.

SUPERVISION/MANAGEMENT: MANAGING CONFLICT

Dealing effectively with others in antagonistic situations; using appropriate interpersonal styles and methods to reduce tension or conflict between two or more people.

Needs Improvement

- Does not recognize when conflict is occurring or emotions are escalating; does not probe for interests of conflicting parties.
- Inappropriately avoids conflict; allows conflict to “fester” without bringing it out into the open and attempting to negotiate acceptable solutions.
- Defines only own interests; establishes own positions and biases rather than seeking common interests.
- Accepts or recommends acceptance of “win/lose” situations rather than seeking compromise or collaboration.
- Personalizes conflict; sometimes attacks people rather than issues.

Meets Expectations

- Identifies that there is a problem or conflict occurring and takes steps to resolve it.
- Assess when to get involved with the conflict and when to let parties resolve it without involvement.
- Recognizes different interests, viewpoints, or needs of others and allows them to express their views in a respectful manner.
- Assists parties to achieve mutually acceptable “win-win” solutions.

High Performing

- Highly skilled in seeing early warning signs of conflict and takes steps to prevent problems; gets to essence of the problem to resolve issues before they escalate to a conflict.
- Excels in transforming conflict into problem solving; insightfully diagnoses issues and develops effective solutions that are accepted by others.
- Creates an environment where differences of expression or opinion are valued; differences are used to achieve superior results.

- Uses positive and constructive techniques to help team members anticipate and effectively deal with pressures and interpersonal conflicts that may occur in the work environment.

SUPERVISION/MANAGEMENT: FACILITATING CHANGE

Encouraging others to seek opportunities for different and innovative approaches to addressing problems and opportunities, facilitating the implementation and acceptance of change within the workplace.

Needs Improvement

- Communicates resistance or fear of change to others.
- Limits involvement of others in change; does not seek buy-in, input or ownership.
- Fails to modify own work practices or hold others accountable to following changes that are adopted by the organization.
- Inconsistent in support of change effort; abandons the change effort or presents change as coming from an outside source.
- Relays change information to staff but not in a consistent manner.
- Communicates change in a negative manner; discourages others from taking a new approach to work activities.

Meets Expectations

- Communicates organizational changes that are occurring to staff members; explains the purpose of the changes.
- Actively considers and openly discusses changes or modifications that are proposed by others.
- Introduces new goals, objectives, and processes to support organizational change and effectively monitors their implementation.
- Offers employees tools and support to adjust to changes.
- Acknowledges, explains, and supports change regardless of own preference and priorities.

High Performing

- Explains the business imperative of change and communicates a sense of urgency regarding the need to change.

- Proactively seeks out opportunities for change to increase the organization's effectiveness; builds consensus and creates acceptance of change while effectively addressing concerns.
- Actively involves others in the change process; solicits input ahead of time and assists others in seeing how changes will affect them.
- Consistently implements successful change; presents changes upward to management; provides feedback to employees on the success of change actions.