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Law Firm Exit Interview Handbook

The primary aim of the exit interview is to learn the reasons behind an employee's departure, on the basis that criticism is a helpful driver for a law firm's improvement. Exit interviews are also an opportunity for the firm to enable transfer of knowledge and experience from the departing employee to a successor or replacement, or even to brief a team on current projects, issues and contacts. Good exit interviews should also yield useful information about the firm, to assess and improve all aspects of the working environment, culture, processes and systems, management and development - anything that determines the quality of the firm, in terms of its relationship with its staff, clients and the general public. Exit interviews present a unique opportunity to survey and analyze the opinions of departing employees who may be more forthcoming, constructive and objective than staff still in their jobs. In leaving a firm, departing employees potentially feel liberated and, as such, may provide a richer source of objective feedback than employed staff do when responding to normal staff attitude surveys.

As ever, management insecurity and defensiveness can be an obstacle to implementing exit interview processes, so if the firm finds it difficult to begin the practice as a matter of general policy, you can still undertake your own exit interviews on an office-by-office or functional basis.

From the departing employee's perspective, an exit interview can be a chance to give some constructive feedback. By the same token, employees are well aware that they may cross the paths of ex-colleagues in the future - the adage about treating people well on your way up because you might meet them on the way down – applies particularly well on the way out, too. It is vital that exit interviews are managed by thoroughly prepared HR professionals; preparation and practice can mean the difference between an interview that produces important insights and viable means of improving the firm, and an interview that dissolves into recriminations, blame, revenge and spite – an employee going out with all guns blazing. Done correctly, exit interviews can be a win-win situation for both the firm and the leaver. The firm gets to retain a portion of the leaver's knowledge and make it available to others, while the leaver gets to articulate their unique contributions to the firm and to "leave their mark."

Exit Interviews and Knowledge Transfer

The days or weeks (or months in some cases) between the decision for the employee to leave and the employee's actual departure date offer a crucial opportunity for the firm to gather important information and knowledge from the employee. This is especially relevant in roles where the employee has accumulated a significant amount of knowledge and personal

connections, e.g., an assistant with a lawyer's clients or a billing clerk with the requirements of individual partners. The knowledge of the departing employee commonly has immense value and the recovery of it is often overlooked altogether by the firm until the employee has departed or more likely been hurried out of the door, holding the contents of their desk in a cardboard box.

When any employee resigns, or a decision is made for a person to leave for any reason, always ask: Should we spend some time thinking about how to enable some sort of knowledge transfer? In other words, if we place a value on the knowledge that the departing employee holds, isn't it worth thinking about how to enable this knowledge to be passed to the appropriate people remaining in the firm?

Instead, all too often, administrators' response to all the head-scratching after a vital person has left is to rationalize the loss of information (and vital personal contacts often) with the old cliché, "No one is indispensable". The adage might ultimately be true but that's not really the point. The fact is that most people who leave do actually possess useful (often critical) knowledge and experience. Moreover, most departing employees are delighted to share this knowledge, to help a successor or to brief a management team, if only the firm would simply ask them politely to do so (assuming their exit is handled decently, of course, which the exit interview helps to enable).

This is another good reason for thinking properly about the exit procedure and for properly organizing some form of exit interview process. So much depends on the atmosphere surrounding the departure. Often, there is suspicion and imagined threat on both sides, which rather weakens the chances of a helpful hand-over. This mistrust should be diffused - it really does nobody any good. In an ideal world, the leaver should be encouraged and enabled (and arguably rewarded if necessary) to hold a briefing meeting which all interested parties (and certainly the person's replacement, if possible) can attend and learn what they need to know. Regrettably however, it is not unusual for traditional-type 'theory-X' management in many law firms to be so intoxicated with testosterone and the taste of blood that such suggestions rarely make it off the Managing Partner's desk. Take a more open, constructive view. Give people the benefit of the doubt, and discourage the "kill 'em and eat 'em" advocates from retaliating before there's any suggestion of being attacked. There are some suggested enabling questions below:

Exit Interview Aims and Outcomes

- Exit interviews provide an opportunity to 'make peace' with disgruntled employees who might otherwise leave with vengeful intentions.
- Exit interviews are seen by existing employees as a sign of positive culture. They are regarded as caring and compassionate - a sign that the firm is big enough to expose itself to criticism.
- Exit interviews accelerate participating managers' understanding and experience of managing people and firms. Hearing and handling feedback is a powerful development process.
- Exit interviews help to support a firm's proper HR practices. They are seen as positive and necessary for quality and effective people-management by most professional institutes and accrediting bodies concerned with quality

management of people, firms and service.

- The results and analysis of exit interviews provide relevant and useful data directly into training needs analysis and training planning processes.
- Exit interviews provide valuable information as to how to improve recruitment and induction of new employees.
- Exit interviews provide direct indications as to how to improve staff retention.
- Sometimes an exit interview provides the chance to retain a valuable employee who would otherwise have left. Firms often accept resignations far too readily without discussion or testing the firmness of feeling - the exit interview provides a final safety net.
- A significant proportion of employee leavers will be people that the firm is actually very sorry to see leave despite the post-rationalization and sour grapes reactions of many senior executives to the departure of their best people. The exit interview, therefore, provides an excellent source of comment and opportunity relating to management succession planning. Good people leave often because they are denied opportunity to grow and advance. Wherever this is happening, firms need to know about it and respond accordingly.
- Every firm has, at any point in time, several good people on the verge of leaving because they are not given the opportunity to grow and develop. At the same time, ironically, most of the supervisors are overworked and stretched, some to the point of leaving, too. Doesn't it make good sense to raise the importance of marrying these two situations to provide advantages both ways - ie., facilitate greater delegation of responsibility to those who want it? Exit interviews are an excellent catalyst for identifying specific mistakes and improvement opportunities in this vital area of management development and succession.
- Exit interviews (and a properly organized, positive exit process) also greatly improve the chances of successfully obtaining and transferring useful knowledge, contacts, insights, tips and experience from the departing employee to all those needing to know it, especially successors and replacements. Most leavers are happy to help if you have the courage and decency to ask and provide a suitable method for the knowledge transfer, be it a briefing meeting, a one-to-one meeting between the replacement and the leaver, or during the exit interview itself.

Managing the Exit Interview

Traditional exit interviews can be conducted in a variety of ways: face-to-face, over the telephone, using a written questionnaire, or via the internet using an exit interview management system. In a knowledge-focused interview, a face-to-face interview is needed. Exit interviews are best conducted face-to-face because this enables better communication, understanding, interpretation etc., and it provides a far better opportunity to probe and get to the root of sensitive or reluctant feelings. However, postal or electronic questionnaires are better than nothing, if face-to-face exit interviews are not possible. In some cases, perhaps a particularly shy employee may prefer to give their feedback in a questionnaire form, in which case this

is fine, but whenever possible, face-to-face is best.

- In terms of managing the interview, listen rather than talk. Give the interviewee time and space to answer. Coax and reassure where appropriate, rather than pressure. Interpret, reflect and understand (you can understand someone without necessarily agreeing). Keep calm, resist the urge to defend or argue - your aim is to elicit views, feedback, answers, not to lecture or admonish. Ask open 'what/how/why' questions, not 'closed' yes/no questions, unless you require specific confirmation about a point. 'When' and 'where' are also more specific qualifying questions, unless of course they are used in a general context rather than specific time or geographic sense. 'Who' should be used with care to avoid witch-hunts or defamatory risks. Many exit interviewees will be uncomfortable if asked to name people or allocate personal blame. Exit interviews are not about 'blame', which is not constructive and should be avoided for anything other than very serious complaints or accusations. Those should be suitably referred as follow-up and would be beyond the normal exit interview remit.
- Prepare your exit interview questions and topics that you'd like to explore, especially when you believe that the interviewee has good experience, appreciation and understanding.
- Take notes and/or use a prepared form.
- Remember simple planning aspects, such as arranging a suitable time and place, avoiding interruptions, taking notes, preparing questions, being aware of the body-language and feelings of the interviewee and adjusting your own approach accordingly, etc.
- Obviously the style of exit interview is different for someone who is being asked to leave, retiring, being made redundant, dismissed, or leaving under a cloud, compared to an employee leaving whom the firm would prefer to retain. However, everyone who leaves should be given the opportunity of an exit interview and the firm can learn something from every situation. In certain situations (where appropriate) the exit interview also provides a last chance to change a person's mind, although this should not be the main aim of the exit interview situation.
- When the interview is complete, express your appreciation for the employee's participation. If there is some specific checking or follow-up to do, ensure that you will do it and report back accordingly.
- After the interview, look at the answers and think properly - detached and objective - about their meaning and implications.
- Take action as necessary, depending on your processes for analyzing and reporting exit interview feedback. If there's an urgent issue, or the person wants to stay and you want to keep them, then act immediately or the opportunity will be lost.

Exit Interviews: Responsibilities, Process and Outcomes

Participation in exit interviews by the employee leaving is voluntary. Do not compel departing employees to attend exit interviews. Offer a questionnaire form alternative, which again must be voluntary.

You cannot compel a departing employee to give you knowledge that is in their head, although the return of files, paperwork and material is normally something that an employer rightfully can insist happens. In any event, a positive, constructive, grown-up approach is the best assurance of a happy outcome and an optimal transfer of knowledge and contact names, etc.

Ideally, the firm should have a documented policy stating how exit interviews occur, when, and by whom. Some firms hand the responsibility to a skilled interviewer in the HR or Personnel Department. Alternatively, managers can conduct the interviews. Interviewers need to be trained to interview, just as for normal job interviews. All types of interviews are sensitive, emotional situations which require ability and maturity to manage properly, especially if interviewees are anxious or volatile.

In larger firms, HR or the Personnel department should be responsible for: designing the process; issuing guidelines and documentation; collecting results data; analyzing and reporting findings, trends, opportunities and recommendations, especially including anything relating to health and safety, or employment law and liability.

If you design a questionnaire or exit interview form which will be used as an input document towards central analysis, it is a good idea to convert questions, wherever practical, into a "scoreable" and/or multiple-choice format, which makes analysis far easier than asking for written opinions.

Actions resulting from exit interview feedback analysis, in any size or type of firm, fall into two categories:

- **Remedial and preventative-** improving health and safety issues, stress, harassment, discrimination, etc.
- **Strategic improvement opportunities-** improved induction, management or supervisory training, empowerment or team building initiatives, process improvement, waste and efficiencies improvements, customer service initiatives, etc.

The head of HR or Personnel would normally be responsible for raising these issues with the board or CEO. The conversion of exit interview feedback into action is a critical factor in justifying and maintaining a serious priority and operation of the process.

For many firms, exit interviews provide a major untapped source of 'high-yield' development ideas and opportunities. Use them.

Knowledge Transfer Questions

The following questions should begin to be addressed soon after becoming aware that an employee is leaving. <u>These are questions that should be raised before the exit interview.</u>

- How might we benefit from your knowledge, experience, introductions to your contacts, etc., prior to your departure?
- Would you be happy to take part in a briefing meeting with managers/replacements/successor/colleagues so that we can benefit from your knowledge and experience, prior to your leaving?
- What can we do to enable you to pass on as much of your knowledge and

experience as possible to your replacement/successor prior to your departure?

- How and when would you prefer to pass on your knowledge to your successor?
- I realize that you'll not be happy with the situation surrounding your departure, however we would really appreciate it if you could help us to understand some of the important things you've been working on - how might we agree for this knowledge to be transferred?
- We'd be grateful for you to introduce (name of successor) to your key contacts before you go - are you willing to help with this?

Sample Exit Interview Questions

These questions can be used in face-to-face exit interviews, or to compile exit interview pro forma questionnaires or electronic feedback forms.

If using these questions to compile forms to be used for large scale analysis, attempt to format the questions so they can be analyzed numerically. Certain questions and answers will always be difficult to format in this way, for example, 'how do you feel about...?' and open-ended questions seeking ideas and suggestions. (Such questions can only be analyzed and reported 'by exception' when something of particular note crops up, or of a particular recurring theme is spotted).

In face-to-face interviews particularly, use the word 'why' if you want to probe, especially if the first answer is vague or superficial. Questions beginning with 'what' and 'how' are better for getting people to think and convey to you properly and honestly about their views. Some of these samples are more suitable for management employees, although always give people at all levels the chance to comment on issues normally 'above' their remit - you'll be surprised at how informed and insightful people can be. These examples are not in a sequential process, although there is a logic to the order of the questions. There are more questions here than you would normally ask in a typical exit interview. Choose the questions that are most relevant to the leaving circumstances, the interviewee and your firm's situation.

- Tell me about how you've come to decide to leave?
- What is your main reason for leaving?
- What are the other reasons for your leaving?
- Why is this important or significant for you?
- Within the (particular reason to leave), what was it that concerned you particularly?
- What could have been done early on to prevent the situation from developing or provide a basis for you to stay with us?
- How would you have preferred the situation(s) to have been handled?
- What opportunities might have existed for the situation/problems to have been averted/dealt with satisfactorily?
- What can you say about the processes, procedures or systems that have contributed to the problem(s) and your decision to leave?
- What specific suggestions would you have for how the firm could manage this situation/these issues better in future?
- How do you feel about the firm?

- What has been good/enjoyable/satisfying for you in your time with us?
- What has been frustrating/difficult/upsetting to you in your time with us?
- What could you have done better had we given you the opportunity?
- What extra responsibility would you have welcomed that you were not given?
- How could the firm have enabled you to make fuller use of your capabilities and potential?
- What training would you have liked or needed that you did not get, and what effect would this have had?
- How well do think your training and development needs were assessed and met?
- What training and development that you had did you find most helpful and enjoyable?
- What can you say about communications within the firm/your department?
- What improvements do you think can be made to customer service and relations?
- How would you describe the culture or 'feel' of the firm?
- What could you say about communications and relations between departments, and how these could be improved?
- Were you developed/inducted adequately for your role(s)?
- What improvement could be made to the way that you were inducted/prepared for your role(s)?
- (For recent recruits of less than a year or so:) What did you think about the way we recruited you? How did the reality differ from your expectations when you first joined us? How could we have improved your own recruitment? How could your induction training been improved?
- How could you have been helped to better know/understand/work with other departments?
- What can you say about the way your performance was measured, and the feedback to you of your performance results?
- How well do you think the appraisal system worked for you?
- What would you say about how you were motivated and how that could have been improved?
- What suggestion would you make to improve working conditions, hours, shifts, amenities, etc?
- What would you say about equipment and machinery that needs replacing or upgrading, or which isn't fully/properly used for any reason?
- What can you say about the way you were managed?... On a day to day basis? On a month to month basis?
- How would you have changed the expectations/objectives/aims (or absence of) that were placed on you? ..... And why?
- What, if any, ridiculous examples of policy, rules, instructions, can you highlight?
- What examples of ridiculous waste (material or effort), pointless reports, meetings, bureaucracy, etc., could you point to?

- How could the firm reduce stress levels among employees where stress is an issue?
- How could the firm have enabled you to make better use of your time?
- What things did the firm or management do to make your job more difficult/frustrating/non-productive?
- How can the firm gather and make better use of the views and experience of its people?
- Aside from the reason(s) for your leaving, how strongly were you attracted to committing to a long and developing career with us?
- What can the firm do to retain its best people and not lose any more like you?
- Have you anything to say about your treatment from a discrimination or harassment perspective?
- Would you consider working again for us if the situation were right?
- Are you at liberty to say where you are going?
- What is it about them that makes you want to join them?
- What are they offering that we are not?
- (If appropriate:) Could you be persuaded to renegotiate/stay/discuss the possibility of staying?
- Could we be of any particular help to you in this move/deciding what to do next (we can't promise anything obviously)?

The firm will benefit most and you will be able to be of greater assistance to the departing employee, by being positive, constructive, understanding and helpful, prior to and during the exit interview process. Treat people with integrity and decency and generally they will respond in kind.

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"Thanks for making our search easy and fast----your people are terrific."

HR Director, Midwest

"Everyone I talked to said LRG was the firm to work with. They were right. Thanks for helping us fill our Administrator position."

HR Director, Midwest

"We are extremely pleased with the candidates you brought us for our Executive Director search. You proved to us that you really do understand the legal market and what we were looking for."

Managing Partner, Southeast, USA

"Great people----great candidates--- great job!!"

Managing Partner, Florida

"You have a great team of folks working for you---keep up the good work."

Recruiting Director, Southern CA

"This is exactly the person we were hoping to find----we are very excited about this candidate."

Executive Director, Midwest

"Once again, you found the right person for the job. We are extremely pleased, and look forward to her arrival at our firm."

HR Director, Chicago, IL

"Thanks for a great job-------your folks are wonderful and do a terrific job keeping us informed. We look forward to working with you again."

HR Director, Washington DC

"I don't know how you do this – but keep up the great work. Thanks for finding our new CFO and giving us a wonderful selection of candidates."

COO, Southeastern USA

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"……the great job you did on our COO search. You brought us candidates that we would not otherwise have found….with an extremely reasonable fee."

Managing Partner, West Coast

"I want to thank you for the excellent job you did in producing candidates. I also really appreciated the assessments you promptly provided on each candidate. And most importantly, I think we have found someone who is going to fit and be able to have an impact very quickly…"

Executive Director, Southeast, USA

"Just wanted to say thanks to LRG and your great staff. As a candidate you kept me up to date, and the process was flawless. Thanks for the experience---and thanks for contacting me about this great opportunity."

Candidate, New York, NY

"Thanks for helping us find the perfect candidate for our firm."

HR Director, Southwest

"…I have enjoyed working with your firm. Thanks for making this an enjoyable experience for us."

HR Director, Chicago, IL

"Thank you for all your outstanding efforts in helping us find the right candidate…. I will definitely be calling you in the future to help in our senior administrative staff searches."

Executive Director, Midwest

"We are very pleased with the selection of our new COO…thanks for your professional and fast response to our need. We look forward to working with you again in the very near future."

Managing Partner, FL

"Thanks for sending us such great candidates to chose from--We have been impressed with the candidates."

Director of HR, Colorado

"The candidates you sent to us were fantastic…you did a wonderful job finding us the right person for the job…thanks."

COO, Washington, DC