

# How to be a more effective (and efficient) lawyer

Should partners and practice heads encourage the lawyers in their teams to be more, or less, self-sufficient?

## Introduction

Being self-sufficient has broad meaning, but in the context of lawyers it often means those who do not rely on administrative assistance from others. They do their own typing; print their own documents and make formatting amendments themselves without accessing the support functions available to them.

Following lots of interesting discussions with various law firms of all shapes and sizes it is apparent that partners and practice heads are actively looking at better ways of working as they look to their challenging future. These investigations cover a multitude of different areas, but one specific subject (of particular interest) is whether junior lawyers (or any lawyers) should be more (or less) self-sufficient.

This can be an emotive subject and so I write with care, but it is a potentially central debate in a world where fixed fee is on the rise, cost pressures are rife and time remains the single scarcest resource any lawyer has.

Effective delegation is a critical skill for all lawyers who want to be successful. What should the focus be for those partners and practice heads who want their teams to be as high performing as possible.

## Can't delegate, won't delegate?

A debate that's been running for many years (including at the BigHand User Conferences) is about whether self-sufficient lawyers were increasingly independent because:

1. They don't have access to the administrative support or
2. Because they personally want to work in that way

Although there is agreement that their stuff might occasionally rank behind a partner's work in a prioritized queue, there is certainly strong consensus that this was primarily driven by a working practice choice, and not a forced situation due to an absence of support.

### "Junior Lawyers like typing"

We hear this sentence sometimes and it is normally accompanied by a variant of; "they came through law school typing". This does not come as a major surprise. In fact, they probably rarely write with pen on paper. That does not, however, make them the fastest typists. Yes, they can type faster than previous generations (by using more than two fingers) but their support teams will be able to type faster still (and they can certainly speak more words per minute than they can type).

The other critical thing, absent from any comparison with law school life, is that while they attended their studies;

1. They were not asked to track every minute of their day using time recording software
2. They had no billable work to deal with that would materially affect their personal profitability
3. They presumably did not have access to expert support services to type, edit and finalize all their course work for them.

In addition, the lawyers might be able to draft initial prose at a (relatively) decent pace using their keyboard but, after they have typed, one of two things then normally happen:

1. Either; the resulting document they send out is less professionally presented than had it been done by an experienced word processing expert who will readily ensure formatting is consistent with the firms highly valued brand
2. Or (more commonly); the lawyer spends an additional (not insignificant) amount of time ensuring that it is formatted correctly and

presentable which immediately negates the "fast" typing speed.

In a world where the smallest of errors in a document can unravel a legal argument, perfection rules everything else (and so it should). But perfection takes time. The question is whose time?

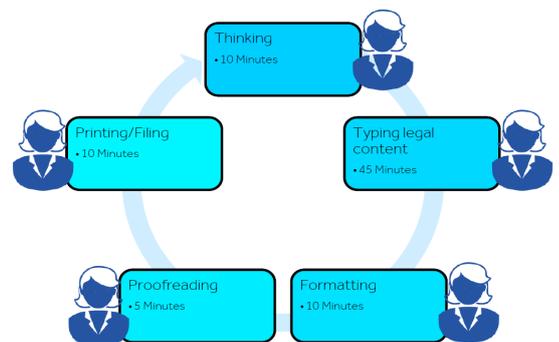
## Hypothetically speaking

The following are a handful of slides which we used at our user conference to stir debate at two different ways of working. The example was necessarily simple to illustrate the point.

1. The first is a self-sufficient lawyer who types, edits and completes their own documentation with no assistance. It shows how many of those "tasks" can realistically be completed in a day
2. The second is a supported lawyer making use of technology where possible, but critically using access to admin support to execute tasks where their skills are not maximized. It shows how many "tasks" can now be carried out by the same lawyer, in the same time, for less cost.

### Meet Ashley

Current Working Practice for a Common Task



### Meet Ashley

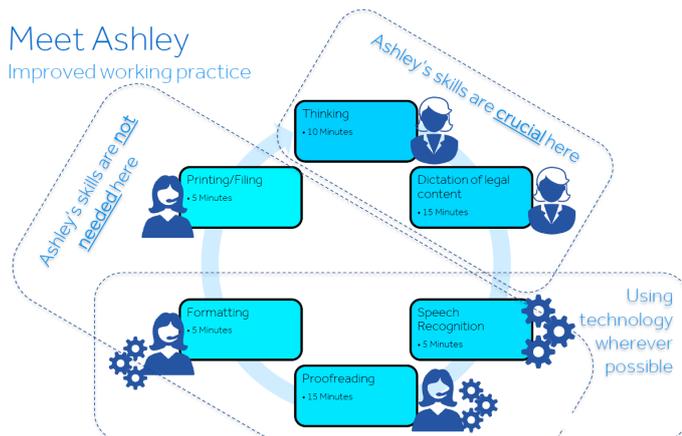
Ashley's Day Looks like this....



*A self-sufficient way of working and the resulting output*

## Meet Ashley

Improved working practice



## Meet Ashley

Compare the two working practices



*A newer way of working and the comparative output*

## Either you pay, or your customer pays. But someone does (and it's probably you in the long run)

If a lawyer is spending lots of time typing/editing documents or undertaking lots of other admin type tasks, there are two options; charge the customer or don't charge the customer.

In a "billable hour world" that time could show a superbly high utilization rate for the lawyer against a matter (sounds good) and that time might be recoverable and charged to the customer (arguably good). However, in a world where customers are less and less happy about paying for expensive time when it adds no immediate value to them they simply won't pay. Or, more likely, is that these hours spent across your firm every day are then simply written off and become unrecoverable (not good).

In this latter instance you also inadvertently cap the amount of time those lawyers can earn fees elsewhere (also not good).

Today, with increasing fixed fee approaches, you can have as many lawyers creating documents or doing admin tasks as you like; the customer isn't paying anyway (you are).

In the longer term, as your competitors are making their processes as streamlined as possible across their entire business, they will be able to compete better on price, delegate far more effectively and still turn the work around faster than you for less cost (with great looking, error-free documents).

The need to delegate non-value add tasks cannot sit in the "nice to have" category for your firm anymore.

Delegation is a critical skill that will unlock value directly for your customers in the long run. Lawyers (even junior lawyers who can type quickly) living in documents is a false economy that the more progressive firms are taking action on today.

## You don't call anymore....

One other significant trend (that is certainly not limited to legal services) is the decline of the phone call and the subsequent replacement with email.

Email is good for some things. But equally it is bad for others. Resolving problems, negotiation, relationship building and getting things agreed are all examples of where email can be terrible.

While I could write lots about email, the point here is actually about speaking and talking out loud. During the BigHand User Conference (2017) discussion group, one comment was backed by the majority; "Lots of our junior lawyers say they are worried about dictating or making phone calls in an open plan office because everyone will hear what they are saying. They lack the confidence to do it".

And I get that; my first role involved making call after call in an open plan office. And it was grim. For about 2 days. After that it turned into a positive. Stuff happened over the phone and things progressed faster.

Talking actually boosts confidence over time. If confidence underpins success, why would firms want to actively stifle it early in their lawyers' careers? Talking out loud in an office should not be something people shy away from. It should be encouraged. Customers say they want to hear from their lawyer; hear being the operative word.

Yes, having everything in writing is important (particularly in a legal context). But so too is talking. Dictating itself is actually one way to improve skills in articulating arguments in one's head before speaking. Vocal skills for phone calls, meetings, court rooms and contract negotiations rank high on the list of skills needed to be effective.

Using your voice to delegate is also the fastest (and clearest) means of doing so. Dictation does not need to be limited to the creation of content for a document. It is often used for the prompt delegation of tasks for someone else to action on your behalf.

## Delegation creates time and team work

Obviously anything that creates time is a good thing. Particularly for lawyers. Being able to delegate means the following:

1. The admin or typing task, if delegated effectively, is done faster (probably for less cost) and almost certainly to a higher quality
2. While that admin or typing task is being done by someone else, the lawyer can do something they are better suited to (related to law or the customer)
3. If the lawyer and the admin support teams work together they will create a sense of team work with support services that will be absent for self-sufficient lawyers
4. Tasks will be done faster each time and the lawyer will want (and be trusting) to delegate more each time as a result

Being self-sufficient might sound and feel like being independent (arguably a good thing) but not being able to delegate is one of the highest quoted reasons for entrepreneurial failure.

Letting go of those things someone else can do better is a sign of trust and confidence in those around you, so you can add more value

elsewhere. If lawyers are mini-entrepreneurs in their own career, not being able to (or not encouraged to) delegate the small stuff now will hamper their ability to do so with larger stuff later.

## Good and Bad Delegation

Being able to delegate effectively takes time and copious examples of "bad delegation" were cited during conversations I have had. Practice makes perfect, persistence yields results, old habits die hard and I can't fit any more clichés in one sentence.

Learning good delegation from the outset is key. Offering your lawyers (decent) training on how to dictate, how to delegate and how to maximize their time is an investment for you. But it is one with a superb ROI.

As one delegate at our conference (from a support team) neatly summarized during a coffee break, *"Sometimes they think they can do it all, but at the eleventh hour they suddenly need the document completed and we have to stop what we're doing and jump on it for the customer. If they gave it to us earlier we could just get it done properly on time, every time."*



*Good v Bad Delegation – it takes time and practice*

## Who should drive the change to a culture of delegation?

Interestingly, at one BigHand User Conference, there was a slightly muted response to the question "whose responsibility is it to determine whether delegation should be actively encouraged or not". The conclusion was that ultimately this comes from the partner or relevant practice head.

For those partners or practice heads who leave the decision whether to dictate or delegate to their lawyers, is it worth just pausing and considering that strategy not just for your team, but for your lawyers themselves? Does this make sense in a future world where process, efficiency and cost management could not be more important, and so too is having highly effective lawyers focused on what they do best?

Conversations we have had suggest that culture, more than anything else, determines the extent to which lawyers are encouraged (and trained) to dictate and delegate effectively.

Yes, there are obviously practice areas where the need to dictate and delegate are greater, but senior champions (partners and practice heads) are the ones who will affect the greatest change in this area for their team(s).

## **If you don't value your own time, no one else will**

For lawyers themselves who are currently enjoying being self-sufficient, is it worth pausing and asking whether that does actually make sense in a future (current!) world where your personal profitability is key and your personal skillset needs to evolve with your career? Do the most profitable and successful lawyers you know also do all their own typing and admin tasks?

## **So...**

There's a lot of change in the legal world. We know that. We also know that firms are having to, particularly in some departments, really assess how they are (and should be) working to be truly effective.

Capacity, utilization, efficiency, quality and speed of delivery all combine to create the likely outcome. Working out whether a) more delegation or b) more self-sufficiency should be the priority is a question worth asking.