

Keys to Maintaining a Successful Law Practice

By the LOMAS staff

It's not always the lawyer with the high profile cases, or the one who bills 3,000 hours a year that society judges to be a successful lawyer. America's most successful lawyers have good clients, a loving family, and the time to enjoy them.

The education provided by law schools today generally does not include training to manage a successful law practice. Nor is an attorney's success in achieving a client's goal(s) rarely dependent on the attorney's efforts alone. The law office is an environment made up of team players; each with a unique part to play. A successful law firm has a well-planned "infrastructure" to support the efforts of the lawyer in representing the client. In order to be successful every part of the law office must work like a well-oiled machine.

Whether you need to improve communications with clients, execute a solid partnership agreement or even train your staff, the Bar's Law Office Management Assistance Service has identified 10 ways to improve your chances at success in the practice of law.

1. Communication Is of Paramount Importance

From feeling uninformed or misinformed about matters at the support staff level, to being surprised by the size of the bill at the client level, poor communication is one of the legal profession's most pressing problems. Communication is a learned skill which most attorneys believe they are good at. However, signs of poor communication are everywhere. Failure to communicate with clients is one of the most frequently found charges included in Bar disciplinary complaints.

The key to improving poor communication begins by improving listening skills. LOMAS encourages attorneys to ask for feedback from clients, and from staff, as a start to address the problem. A wise sage once remarked that you never learn anything with your mouth open. That remains good advice even today.

2. Learning the Skill of Delegation

One of the reasons frequently given by associate lawyers when announcing their departure from a firm is lack of delegation of responsibilities. Poor delegation leads to a turnoff of talented people because of a perceived lack of trust. All people need the opportunity to fail and grow. New associate lawyers need to find their strengths and weaknesses. Objectively decide what to delegate. Don't delegate only those things you don't want to do. Delegate things that you know other staff members can do. Build confidence in your people. Give them enough guidance to direct their actions but not so much that they feel overwhelmed. You can check on progress but don't look over their shoulder continuously. To boost self-esteem and enthusiasm for handling future assignments it is important to ask questions such as, "What did you encounter that you were not prepared to handle?" and "Looking back, what choices would have been better?"

3. Avoiding Paralysis by Analysis

Lawyers are trained to be risk identifiers - not risk takers. Introduce a new idea to a group of lawyers and every conceivable risk will be identified, weighing down the idea so much that it becomes impossible to implement. There are three types of attorneys typically found at partnership meetings:

- 1) Those who go along, take the risk, make the commitment and agree to try the change.
- 2) Those who, no matter what is proposed, live in a cocoon, "We tried that. It didn't work then and it won't work now." Those people may have to be grandfathered into change.
- 3) The articulate incompetents. These people have no in-depth understanding of the issues but are quite articulate in objecting and expressing their opinions. The only chance is to 'out-fact' this group.

4. Taking Entity Agreements Seriously

Just like the cobbler's children with no shoes, lawyers continue to plant seeds of discord by not taking their own best advice and having a well-developed and meaningful agreements amongst themselves. In addition to other contractual clauses, a sound agreement should contain a firm organization and management component; a philosophy of common purpose; specificity of required financial statements; expenses -- whose money is advanced, which expenses are reimbursed -- a dissolution agreement; and retirement and disability clauses.

5. Maintaining Excellent Client Relations

Making client relations a priority will go a long way toward keeping your "old" clients your "current" clients. Spending efforts in satisfying current clients will pay far more dividends than constantly trying to find new clients. Strive to obtain eighty percent of your new work from returning clients or from their referrals.

Some client relations questions might include:

Is your office designed to be convenient for you or for the client?

Are telephone calls answered promptly?

Is the office staff helpful and friendly?

Do your clients believe their matters are handled promptly, particularly well, poorly?

Do your clients believe there was "value" in using you to assist with their matter?

LOMAS suggests lawyers call their office, as if they were a client looking for a lawyer, to see how the call is handled.

6. Managing the Office and the Practice

Facts don't cease to exist because we ignore them and problems don't really go away if they are ignored. Lawyers are both production and management in the industrial sense. They are best trained, however, for production. Management issues, policies, and plans require a certain amount of time to discuss and implement.

Firms that set aside as little as four hours a month for dealing with management issues find they have far fewer interruptions in production for crisis management. Partners need to meet on a regular basis for a business meeting where client-related legal issues are not discussed. The focus instead should be on the ongoing operation of the firm.

7. Buying Computers and Software is Only Half the Job

Learning which telechnology operates best is not the challenge. The real challenge is to define what the system is supposed to do for your office. A computer is only a tool; effective use of it is the owner's responsibility. Lawyers must know what they want a system to do before they shop for software. A lot of money is wasted on software in law firms because too few dollars are invested to fully train lawyers and staff on how to properly and effectively make use of their new tools. Making the decision of which software product to purchase and then loading the software on the computer is only half of the task. Productivity gains are only realized after people know how to use what they have purchased.

8. Making Staff Training a Priority

A lawyer's staff must be adequately trained for an office to succeed. An introduction to the former secretary is not training! The most common reason for failure among legal secretaries is the lack of knowledge of what is expected from the lawyer for whom the work is done.

Firms need a policy and procedure manual, describing in some detail how tasks are to be accomplished. Passing the word from one departing employee to another is not training. To be effective, instructions should be written and published. Training needs to be done in a systematic way, one task building on the preceding task until a system is created.

9. Planning to Reach Your Goals

Laurence Peter once said, "If you don't know where you are going, you will end up somewhere else." The basic philosophy, spirit, and drive of the law firm will in large measure determine it's success. Do you feel that other partners or associates in your firm do not have the same plans for your firm as you do? If so, you're not working toward a common goal of success.

Size by itself has little merit and growth in revenue does not always translate into more dollars at the bottom line. With appropriate planning and organization, however, the lawyers in the firm will have a better idea of why and how their firm should be staffed, directed and controlled to attain personal and firm goals.

10. Exceeding Client Expectations

Failure to reach a clear understanding of what the client wants, how soon it is expected, and how services are to be billed and paid leads to many problems. Even a cursory review of the grievances filed by clients indicates that clients and lawyers often have vastly differing viewpoints on what was to be accomplished. Lawyers need to reach a clear understanding with clients early in the relationship of what the client really expects.

Such mutual understandings also need to be reduced to writing, including an understanding of the billing arrangements. Many grievance problems could be avoided through proper client intake, selection and fee arrangement documentation.

LOMAS can help you achieve success by: Simplifying, Organizing and Controlling the chaos in your law practice. By simplifying the complex you can learn to value your time more preciously than anything else. No longer will you be wasting time on incompatible goals or projects. By organizing the turmoil of the office you can discover the easy way to keep all your calendars, cases, and contacts organized. By controlling the typical office chaos you can relax while others are impaired by stress. You can learn to know at a glance that you are in control of the who, what, where, when and how.

If you are a Florida lawyer and would like advice or assistance in the management of your law practice, feel free to contact LOMAS at The Florida Bar, 651 E. Jefferson Street, Tallahassee 32399-2300, telephone: (866) 730-2020, fax: (850) 561-3125, or e-mail either jdequels@flabar.org or jsullenberger@flabar.org.

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