

DELEGATING AS LAWYER MANAGER

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MANAGEMENT AND THE SAVIOUR OF DELEGATION

A lawyer's job is often hectic.

This hecticness is due to the inexorable fact that a lawyer's job is essentially and fundamentally, to manage.

A lawyer must concurrently manage many different aspects of a law practice and a business.

The most effective managers produce consistent results in achieving success, and do so by creating the conditions which are most conducive to producing the best results.

Lawyers who can competently organize and direct those working under them to produce the best work product will be successful.

Lawyers inevitably find themselves in a managerial role, and may become overwhelmed by the monumental task of managing a competent and successful legal practice. Conversely, many lawyers may not fully consider or appreciate the

demands of the managerial-practicing lawyer roles, and are utterly unprepared for the duties and demands that await them

In order to best understand the actual duties and responsibilities of a manager so that lawyers about to undertake the role can fully understand the demands and pressures that accompany the job, the tasks associated with management can be divided into separate but related and overlapping conceptual distinctions. These areas of management can be summarized under the headings of:

Client Management
Team Management
Strategy Management
and
Project Management

A client is the lawyer's primary concern. Indeed, a lawyer's business is the client. The client's interests must always be placed ahead of the interests of anyone and everyone else, including those of the lawyer. For this reason, effective client management skills is an especially crucial area of managerial expertise for any lawyer. Firstly, a lawyer must learn how to manage the client's objectives. Before these objectives can be properly managed, however, a lawyer must determine the wishes and goals of client, and advise the client on the actual legal position in which the client finds him or herself. The lawyer must also, most importantly discuss the shortfalls of the client's case, and delineate and discuss any possible arguments that are open for the client to combat prejudicial points that may be necessary for success. The various ways that may be open for the client to proceed must also be discussed with

the client. Clients will not be aware of the many approaches to justice and redress that are available to them through the courts and justice system more broadly, so special care must be taken when managing clients to comprehensively outline to clients their specific legal problem in addition to potential routes that can be taken in order to try and reach solutions.

All the while, a lawyer must manage the objectives of a client in order to try and maximize the client's chances of success at achieving the true goals and wishes of the client. This means that while all viable approaches and routes forward must be laid out before a client, a skilled lawyer and manager would manage the objectives of the client in such a way that will accord with the legal routes available before them.

Client's expectations must also be managed. While it is always the aspiration of the lawyer to achieve the client's goals, this is not always likely, or sometimes, even possible. It serves no purpose to be anything other than completely candid and honest with clients on their legal position and chances of success. Neglecting to inform the client of possible outcomes, or misrepresenting the clients's legal position or legal merit of their case is not only unwise, but also potentially negligent and unethical. Such actions can lead to tort action or professional disciplinary proceedings.

However it is one thing to simply stay within ethical professional guidelines and civil duties with regards to managing client expectations, and another to be proficient at the endeavour. Effective management of client expectations begins with the intake meeting and signing of a retainer agreement, and lasts until the resolution of the legal matter. It is a continual process that sometime requires a considerable amount of attention and energy, depending on the client.

More generally, client management at its core is relationship management. The relationship with a client encapsulates the management of expectations, objectives, emotions, and the person in general. Depending on how well a lawyer manages each of these, the relationship can vary widely in degrees of efficacy and

Team Management is another important concern for almost all lawyers. A legal practice most often requires a number of individuals functioning in distinct and separate roles in order to most effectively operate on a daily basis.

The members of a law firm, including partners and associates, paralegals and legal assistants, and all other support staff, must operate as a cohesive unit. Each member involved in the practice of law play a distinct role in achieving the goals of each client of the firm. For this reason, effective team management that most competently and accurately achieves the goals of each client is an integral component to effective overall client management.

Each member of the team must be trained. This training should occur from the day the team member arrives, and most importantly, be continual and constructive. Training should not only consist of learning the responsibilities and duties expected of the new member of the firm, but should also be designed and effected to properly instill the governing team management style and schematic. In other words, the training of a new employee must prepare an employee for not only the job for which he or she has been hired to complete, but also the governing structure of management and colleagues within which he or she must operate cohesively and effectively on a daily basis. New members of a team must learn their roles and also understand their role as it relates to the larger firm structure.

They must also learn how their role contributes to the success of achieving the goals of clients , and in succeeding as a law firm more generally. In this way, when a each member of a firm is trained to not only complete their jobs, but to be also be cognizant of how their job and the management thereof contributes to the value of their jobs to the firm overall, they can be more effectively and easily managed with the firm's best interests in mind.

Intertwined with learning the role and how and where the role functions as part of a greater cohesive entity is the delegation of duties and responsibilities. Not only is the proper delegation of the tasks involved in operating a law firm important - equally important is the manner in which tasks are delegated that determines the success of a firm's team management. Delegation of tasks is best done proactively rather than reactively. This way, proper thought can be given to which member of the team is most capable of accomplishing, and who is available or best positioned to accomplish, the given tasks associated with an endeavour or issue that has been undertaken or confronted by the firm. The discussion on the crucial act of delegation is continued after this introduction.

In addition to the technical aspects of managing a team, training the team members, and delegating tasks to each member as efficiently as possible, another, more intangible aspect of Team Management involves motivation. Motivating and encouraging each member of the team to contribute to the best of their abilities is a crucial concern that must be addressed in any team management planning.

While motivating employees may at first sound trite and obvious, it is far from either. Motivation involves more than expecting a team member to work in in exchange for a pay cheque.

Motivating employees is a complicated and nuanced endeavour. Each team member will likely be distinct in many ways, and will require different forms and combinations of motivational approaches.

The best motivational approaches are those which are integrated within the overall team management system. Team members who are able to recognize their role and also appreciate that others also recognize and respect their role are more easily motivated than team members who are confused about their role on the team. Indeed, team members who feel respected and adequately awarded for their contributions often need little extraneous motivation because the need for motivation has been addressed and integrated into the overall team management approach.

Strategy management is another area of management focus which should be addressed by any astute management team. Formulating a strategy requires the close analysis of not only the goals and objectives of the firm, but also of the assets of the firm- namely its resources and team members- in order to determine and strategize on how these assets can be best applied to achieve those goals and objectives.

A shrewd strategy equals efficiency and efficacy. Indeed, like the foresight required in managing the delegation of tasks amongst team members, an effective strategy is one that is able to foresee the work that must be completed and future problems that may arise, and also to delegate to team members the tasks that will or will most likely have to be completed. However, the best strategy is one that is flexible. It is also, of course, subject to and determined by the wishes and whims of a client with whom the firm must consult regularly and maintain clear communication.

Project Management encapsulates another category of management operations. Project management can overlap with strategy management, as indeed, most areas of management inevitably will overlap. It is similar to strategy management in that it requires an analysis of a goal and the assets with which the firm will attempt to accomplish that goal. However, project management entails more specific objectives and tends to be more short term in nature. Project management involves establishing a work plan and a budget with which to complete the work plan in order to most efficiently and effectively produce the work product.

A Manager's Efficacy

A manager is not always a leader – neither by definition or in practice. A manager's primary and overriding concern is determining how the resources under the manager's control can be best applied and organized in order to optimize performance. A leader, no matter in which context he or she finds himself, is concerned with the task of motivating those following him or her to perform optimally. Undoubtedly, many natural born leaders find themselves in managerial roles and struggle to maintain their ability and commitment to motivate their followers while simultaneously organizing them in the most efficient way possible. Likewise, other managers, although perhaps incredibly adept at organizing resources and team members effi-

ciently and effectively, find themselves lacking the essential ability to properly motivate their followers.

As discussed above, an effectively managed team often needs little motivation. Nevertheless, there will inevitably and continually arise situations where a leader is needed to motivate team members in order to stimulate and energize spirit and vigour. An organized and well-managed team working at 50% of their capacity is shooting itself in the foot.

Producing the very best results from a team requires both proper organization and motivation. Common to achieving success in both organizational and motivational efforts is the art of instilling a sense of pride and ownership in each team member's role and work product.

The difficulty that arises in most teams when attempting to instill a sense of ownership and responsibility is a lack time and resources. Lawyer/manager/leaders extraordinaires must concurrently and competently lead and organize a team while completing their own work product and devoting attention to other tasks. These lawyers must manage risk, the efficiency of the team, and the quality of the work needed to be done. This requires a careful and considered balancing of time and resources. As dynamic and efficient many lawyers can be, they will inevitably discover that time, especially, is a scarce and irreplaceable commodity.

Lawyers in a managerial role who commendably take it upon themselves to assume a proper leadership role in order to most effectively and efficiently produce the optimum work product from their team find themselves asking themselves the practical question: How can I find time and energy to be both an effective leader and a competent lawyer?

An effective leader must devote time and energy to motivating and coaching team members, guiding their work and their thoughts along certain routes available in the law and its application, in addition to assessing the quality of each team member's work, providing feedback and criticism, and helping them refine and improve their abilities. A competent lawyer must devote time and energy to completing the necessary work demanded of him or her by the client at a level of diligence and competence demanded by the courts and the applicable bar or legal society. As a result, simply too much is demanded of one individual, and the need for delegation becomes clear.

Delegating to Succeed

The people who comprise a modern law firm can typically be divided into three categories: managers, lawyers, and support staff. Sometimes the manager is a practicing lawyer at the firm, as is often the case for many smaller sized firms. When this is the case, managerial and lawyering duties must co-exist within the hectic and busy schedule of a modern professional. These managerial and lawyering duties inevitably compete for time, energy and resources. In such cases, the lawyer/manager must not stretch him or herself past his or her limits of humanly manageable workloads and expectations – overworking can lead to negligence or a lack of competency

in work product which could get the lawyer in trouble with the bar or law society, or worse, the lack of life-work balance and not taking the necessary mental health time to re-charge time can be terribly detrimental to mental and physical well-being. Nevertheless, modern professionals often work far past safe and healthy limits and act as if burnout is not the unfortunate and well-documented phenomena it truly is. They are willing to push the limits of their time, energy, and stamina in order to succeed and progress professionally.

In order to avoid the burnout that is inevitable when pushing ones's mental and physical limits to the brink, without sacrificing the quality and quantity of work product that is necessary for achieving the much sought-after success, the modern professional needs help. The key, then, to actually getting all managerial and lawyering tasks completed competently is to reduce the amount of work the manager/lawyer has to actually complete by himself or herself. This can be done by delegating some of the tasks to others, thereby reducing the number of tasks the lawyer has to complete. Further time and energy can be saved by the lawyer/manager by segmenting tasks into smaller tasks, many of which can be delegated to others even if some of the work will inevitably have to be completed by the particular lawyer, or sometimes by a lawyer in general (such a task would exclude support staff from handling its completion.)

Delegation can operate as a cost-saving mechanism for clients. Lawyers, by virtue of their education and skill, must understandably typically charge a significant amount of money for their time and effort in completing legal work product and providing legal services. By delegating tasks that the lawyer need not necessarily independently complete to other individuals at the law firm, whose time and effort is not as "valuable" in the

billable hour/monetary sense, the actual cost of completing work decreases. The lawyer/manager can then pass on these decreased costs to the client, or enjoy increased profits.

Delegation can also operate as a profit-increasing mechanism for the law firm another way. Once a lawyer's more expensive time and effort can be saved by delegating tasks to others, it can be spent working on files and completing work that is more valuable or profitable. If the lawyer is able to utilize paralegals and support staff to complete work that the paralegals and support staff are adequately trained and capable of doing, the lawyer can better utilize the skills and training that they have developed on more complex or lawyerly matters that will yield a higher rate or fee for their completion. This will ultimately increase the profitability of a legal practice.

Indeed, many of these lawyerly tasks and jobs at a law firm must be completed by a licensed practitioner. Due to rules and standards set by the governing bar or law societies, or other guidelines and regulations that are in place in a given jurisdiction, or by simple fact of the complexity of a file, a lawyer must necessarily complete certain tasks and spend adequate amounts of time on certain tasks or files. Lawyers must abide by a standard of diligence and competence in the work and service they offer to clients. This means that a certain amount of actual hands-on work must unavoidably be completed by a lawyer on a file. The ultimate level of work required by the delegating lawyer will vary greatly: whether it be actual hands-on work done on a file, the supervision of others who are completing the work, or the review and certification or authorization of a legal work product or service, a lawyer must obligatorily dedicate a significant amount of time on files. Even more often, the lawyer is uncertain as to where that standard falls on many files. Other times, the lawyer is fairly certain that the work can

be ethically or responsibly delegated to others but for other reasons, the lawyer is hesitant to do so.

Therein lies one of the difficulties that arises with delegation; Determining which tasks must be completed by a lawyer, and which tasks can be completed, or at least partially completed, by other individuals at a law firm, is not always a straightforward or easily-determinable assessment. A thin line separates the efficient and business-savvy lawyer/manager who delegates tasks at an optimum level, from the negligent lawyer who does not live up to their standard of care in completing and overseeing a client' file because they handed off too much of the work to others who were not fully capable or adequately licensed to complete such work.

Delegation: The Why and Why Not

Lawyers must be able to delegate an appropriate amount and specific type of work to their well-trained and chosen support staff to be able to spend more work on other matters that demand the lawyer's personal and timely attention. Lawyers cannot delegate matters to which they should be dedicating time and attention. This balance separates a successful practice from a negligent one.

Nevertheless, it is clear that a significant amount of work is completed by busy lawyers and lawyer-managers every day in law firms around the legal world that can, and oftentimes should, be delegated to other lawyers or support staff.

For example, in areas of the law such as estate planning and real estate, a very large portion of a lawyer's time can be saved by delegating tasks to support staff. Work that needs to be completed around legal title may have to be completed by a lawyer. The lawyer will also need to be present for intakes, consultations and/or specific authorizations at times throughout the life of any estate or real estate file, like is the case with any type of legal file. However, the lawyer need not complete most of the administrative and paper work that is involved with real estate transactions or estate work. Support staff and paralegals can complete much of the work under direction by the lawyer, and will be able to complete an increasingly large portion of the work with increasingly less direction, instruction and specific delegation as time goes on and the work becomes familiar and rote to those completing it.

In real estate and estate planning, and indeed in many other areas of the law, a significant amount of time is spent conversing with clients face-to-face in a meeting or conference setting. While this is an inescapable and necessary feature of our legal representation system, the fulfillment of this requirement can be managed by a keen lawyer such as to both meet ethical and professional standards of diligence. The senior or managing lawyer must necessarily be present in person for some time with clients. If. Nonetheless, support staff can actually handle most of the actual time spent with clients. Large portions of meetings can be conducted by well-trained support staff, saving the lawyer's time and energy to complete preparation or other work on the client's file, finish up work from

a previous client meeting, or handle emergency or pressing matters that have newly arisen.

However, if all of the time that the law firm (all team members, support staff, other lawyers) spends interacting with clients is done without the senior or managing lawyer on the file, clients will wonder who is in charge and in control, and also perhaps, will wonder how important they are if the most expensive and valuable lawyer at the firm or on the file cannot be bothered to spend any time with them consulting or discussing their legal problem and routes to resolution

Indeed, Lawyers are sometimes hesitant to be absent from client meetings as they fear they will miss a bonding opportunity with clients, especially those lawyers who market and promote their personability and approachability. However, when paralegals and support staff meet with clients to complete important work and converse meaningfully about their file, a genuine and very beneficial bond forms between that firm member and the client. This bond can be as beneficial in improving overall firm reputation and client satisfaction as the actual solicitor-client relationship. This is one of many often overlooked advantages of delegating to support staff the task of meeting with clients, and reviewing and signing documents with clients.

Lawyers are sometimes hesitant to delegate any task that they believe they can complete themselves. This may be an honourable trait, but it is certainly not an efficient or productive characteristic for the busy modern professional. A lawyer's time is best spent doing work that they have been trained to do, not clerical, administrative, or routine tasks that can be competently and accurately completed by other members of your firm. Further, the members of a law firm would likely be happy

to complete many of the very tasks that the lawyer is hesitant to delegate, especially those tasks which need not be completed by a lawyer, but might still be substantive or procedural necessities in a file which are therefore likely more interesting and exciting to support staff than simple paper work or phone calls.

Furthermore, when support staff and paralegals become meaningfully involved in the work of a law firm as the result of keen and generous delegation of tasks, they become happier, more involved, more invested, and more productive team members. Meeting with clients, completing various portions of work throughout the life of a client file and otherwise becoming involved in achieving resolutions for clients are all conducive to a meaningful and satisfying role as a paralegal or support staff at a law firm. Participating in and completing important and meaningful tasks makes it clear to the individual that they are an integral part of the law firm team whose work is valued for contributing to the overall productivity and success of the firm. This type of attitude is conducive to all law firms.

Delegating: Learning the Ropes

The actual process or actions that comprise the proper delegation of work is a difficult sorting and balancing act in its own respect. The old mantra “If you want something done right,

you may as well do it yourself”, must be proven wrong if the art of delegation is to prove useful in the modern professional’s quest to optimize efficiency and productivity. Even if completing a task itself may indeed be most efficiently completed by a particular individual, if the task can be properly delegated to another individual and then completed competently by that individual, while allowing the first individual to complete another task, productivity and efficiency can be increased. With this increase in productivity, the resources and time at the lawyer’s disposal become less scarce. Consequently, both the quality of leadership and the leader/lawyer’s own work product and provision of services can improve in a self-improving cycle of production and progression.

Delegation takes time. This is why a task may sometimes actually not be appropriate for delegation as the time it takes for proper delegation may be greater than the time it would take to complete the task outright. However, since delegation acts as a training tool for both leader and team member, many tasks will require a lengthy delegation procedure the first time, but subsequent delegations of the same or similar task will inevitably be quicker, and will soon become routine in nature. Gauging the nature and complexity of the task and the likelihood of its (continued) repetition is an initial assessment undertaken in deciding whether or not to delegate.

Delegation requires consideration of a number of factors. An individual delegating tasks to another person should inquire about the other person’s relevant and similar work experience in order to gain an understanding of their capability and confidence levels. The individual will also want to learn about the person’s schedules, and any current or upcoming commitments or pressures that are proving or will likely prove to be especially burdensome or time-consuming.

Delegation also requires providing the other person with information so that they can become an informed and effective member of the team. The individual delegating a task should describe how the task being delegated is functionally required for the successful completion of a larger firm endeavour or project - how it fits in the “big picture”. Specific expectations for each team member must also be discussed.

Describing the task which is to be delegated in terms of the overall picture provides a more wholesome and complete understanding of what needs to be completed and how it should be best completed in order to achieve success in the greater goal of which the task is a crucial part. The individual delegating a task would have assessed the resources relevant to the task, along with best approaches and other managerial considerations, and should discuss these considerations, if only summarily, with the individuals who will be completing the task.

Delegation is often best concluded by discussing the deadlines by which the task must be completed. Specifying a final deadline first, before specifying any interim deadlines, will also help ground the task in time for the individual responsible for its completion.

The extra time should also be allotted in the delegation process to acknowledge and confirm understanding of all instructions and information communicated during the delegation. The individual delegating the task should ensure the individual completing the task has a crystal clear understanding of their role and responsibilities. The individual delegating the task should also try and ensure that they understand any questions or concerns raised by the other individual, and answer them as accurately and as helpfully as possible.

The act of effective delegation appears as almost straightforward and formulaic when described as a set of simple requirements, viewed in isolation and broken into its required components. However, when the need for delegation arises and the actual process of delegation is submersed and infused with the everyday business of a firm, the careful breakdown and completion of a proper delegation can sometimes become lost or neglected in the shuffle of everyday business. It is crucial that management and leaders at a law firm not let this happen. Proper delegation is invaluable in the success of any modern firm, and requires an appropriate amount of time and energy in order to be most effective.

Deciding What to Delegate

The act of choosing what to delegate can be as difficult a process as deciding how to delegate without the proper experience and insight. Lawyers who regularly spend considerable amounts of time on lengthy tasks that they believe may actually be appropriate for delegation to others, are doing themselves and their firm a great disservice by delaying the determination of that question. For every moment that is spent doing work that may be more appropriately completed by a more junior lawyer, paralegal, or support staff, the lawyer is losing out on the opportunity to create more time that would be better spent completing other more urgent, complex or profitable work, or

managing the various aspects of business and practice that is necessary in a modern law firm as discussed above.

The basic and fundamental way of determining what tasks to delegate is for the lawyer to ask him or herself while completing any and all tasks, if that particular task absolutely requires that lawyer to complete it. To put it another way, it must be decided whether the particular task can be competently completed by someone, that is, another member of the law firm – typically another, more junior lawyer, a paralegal, or other support staff?

The next, perhaps equally fundamental question in deciding when to delegate, is determining what other than the particular task in question could be completed with the time and energy saved through delegation. If there are other things to do, which there mostly likely are, the next question that must be answered is whether these other tasks require personalized attention by virtue of their managerial nature, while other tasks will require attention because of their complexity or urgency.

If the task can be completed by another individual at the law firm, and there are other important matters that demand personalized attention by a particular lawyer, the balance tips strongly in favour of delegating the original task.

Delegation works best when organized, outlined and determined well in advance, but due to the nature of a hectic and dynamic modern law firm, plans and schedules are quickly scrapped in busy times, and members of the firm have to be prepared to adapt to quickly changing approaches and demands on-the-fly. For that reason, when the need for delegation arises by affirmative answers to the questions discussed

above, further questions must be timely posed and answered regarding the capabilities and availability of the individual.

The question of who has both the skillset and availability must be answered and that individual found in order for delegation to occur. If the individual who is best positioned and able to competently complete the task set for delegation has other pressing matters or concerns burdening their work schedules, it must be asked whether these matters are of less importance, or can be further delegated “down-the-line” to another member of the firm.

Indeed, the latter half of the delegation assessment, that is, to whom to delegate, is often not given the thought and consideration it deserves. The goal of delegation is to increase overall efficiency and effectiveness in representing clients and providing clients with a satisfactory work product. In order to best achieve that goal, tasks should not only be delegated when appropriate, but should also be delegated to the most appropriate individual. The right individual is not always simply the most available firm member, although this sometimes may be the case, as the individual’s availability does nevertheless play a role in the assessment.

When delegating tasks, different strategies exist. Tasks can be delegated to the lowest level possible, that is, often to the most available individuals at a firm who possess the lowest level of skills, training or experience. These individuals will be able to complete the task for the lowest amount of cost possible. Of course, this depends on whether these individuals can competently complete the task, and whether the time spent delegating, explaining, and supervising the task will outweigh the time saved through delegation in the first place. Remember – productivity and efficiency are the ultimate goal, but these

can only be attained through the production of competent and adequate work product and services.

Delegation can alternatively take a different approach. Tasks can be delegated to the very next level of firm members (who might require more compensation for the work), perhaps a junior lawyer or an experienced, senior paralegal rather than to other less capable or less experienced support staff (whose time and services can be utilized more cheaply. The advantage of this approach is that the task will likely fall into the hands of a capable individual who will be able to see the task through until the end, and will require minimal amounts of time in both delegation and supervision. The disadvantage is that the more senior, educated, and capable the firm member, the more likely it is that they already have a considerable amount of similarly complex, important, or pressing work to complete. As a result, their time is more valuable and the benefits of saving resources through delegation dwindle.

Oftentimes, the best approach falls somewhere between these two contrasting approaches. Each firm dynamic is unique, and how delegation is approached will rely on factors specific to each firm, including the firm's composition; the skills, education and experience of each of the firm members; the nature of the type of law practiced by the firm; and any relevant statutory restrictions and guidelines which govern the allowable or recommended behaviours regarding delegation in legal practice.

All incarnations of delegation should and will likely feature the components discussed above in some form, but the exact composition and application of each component will vary according to the task that is to be delegated, and the individuals who will complete the task.

The act of delegation exists on a spectrum. The depth and substance of delegation can be dramatically different from one situation to the next, and rightly so. One partner of a law firm delegating a routine task to another partner or junior lawyer with whom they have worked regularly will likely spend no more than a few seconds of each of their valuable time completing the act known as delegation. This is due to the fact that most of the required components of a successful delegation have been completed many times and their answers have become obvious. The characteristics of successful delegation that produces results have been attained through previous interaction. As a result, each individual involved in the delegation need not be worried about the other's ability, information, or understanding of the requirements of the job to be done. The individual delegating the task can be confident that they will receive a great work product on time with minimal time and energy spent delegating.

However, if, for example, an individual is delegating a task to another individual, with whom they have never worked before, or have worked very little, and who may not be familiar with the type of work involved with the task that is to be completed, delegation will be a longer and much more intensive exercise. Such a delegation would diligently and comprehensively address each of the recommended components of delegation. It would require an illustration of the task's functional position in the larger scheme of things, a discussion of the schedules, abilities, commitments and pressures affecting the individuals involved in the completion of the tasks, the determination and cementing of the expectations and deadlines associated with the project, and a bilateral confirmation of understanding.

Reinventing the Wheel: Focusing and Restructuring the Delegation process

Oftentimes lawyers, managers, and those who act in both of these capacities concurrently, express a hesitancy and skepticism about the value of delegation. Indeed The old mantra “if you want something done right, you have to do it yourself” likely rings true for many of the individuals. These cautious and skeptical individuals may have some relevant life experience or anecdotal evidence for feeling the way they do. Perhaps past attempts at delegation have proven unsuccessful, or worse, disastrous, for them. Perhaps the overzealous or incompetent delegation of tasks has resulted in inadequate work product or poor provision of legal services, missed deadlines, or general inefficiency and incompetency at their law firms. If that is the case, it is unsurprising that these lawyer-managers will sometimes “delegate” blame rather than tasks onto their staff. However, it is crucial to remember that unsuccessful attempts at delegation in the past does not necessarily mean that delegation in general is useless and a waste of time, nor does it mean that the staff completing the delegated tasks are incompetent or unable. Indeed, most often failed attempts at delegation have only the flawed process or substance of that particular delegation to blame.

The “hand-off conversation” which occurs when a lawyer/manager delegates a task to a member of their firm, is rarely thought of as a “delegation process”. However, this exchange between these individuals comprises the bulk of what is referred to as delegation, and must be conducted diligently. This conversation must include the clear communication of instruc-

tions and directions, and occur as efficiently and smoothly as possible, like a synapse between the nerve cells of the brain.

What must be done

Clearly Communicate Specific Results

Explain the project in a wholesome and full manner to ensure the individual completing the delegated task can understand and appreciate where the task fits into the larger picture of things.

Explain, simply and clearly, the exact form, appearance and substance of the results you expect. If the final project is a memorandum of law with defined guidelines of composition and style, make those expectations clear. If the task requires a rough spreadsheet from which further work will be completed, a polished .pdf file, a word document for information purposes only, or any other file or document type, specify exactly what is expected, no matter how pedantic and obvious the directions may seem to one of the individuals.

If there are any type of best practices or standard methods of operating or otherwise doing things of which the individual to whom the task is being delegating may not be aware, be sure to either make these guidelines known, or provide guidance as to where these may be researched and discovered.

Another recommended component of delegation is specifying how long the task will take to be completed. Lawyers and managers are often hesitant to indicate an exact figure for how many hours they expect a task will take to be completed. This hesitancy must be curbed. Taking into account the training, knowledge and experience of the team member, the lawyer-manager delegating the task should be able to provide a rough estimate

of the amount of time and effort that the task demands and will require of the other individual. This estimate should be provided for good reason: an eager worker, anxious to impress or stressed over the adequacy of their results, might spend too much crucial time and energy on a task. This unnecessary wasting of resources should and can be prevented. Conversely but similarly, a worker too preoccupied with efficiency and appearing quick and speedy, may spend too little time on a task and produce an inadequate or incompetent work product (which will then require more time and energy to edit, revise, or rectify). Either scenario is detrimental to overall firm efficiency and effectiveness. Providing an idea of how long a job should take can ease the anxiety and stress of uncertain or unconfident firm members; a confident happy team means a happy firm!

Allow Flexibility; Allow Responsibility to be taken

Provide direction, but allow flexibility. Flexibility should be made a defined and familiar theme throughout the institutionalization of delegation at any law firm or office. Flexibility should be instilled into the delegation process and reiterated during each delegation exchange. Flexibility is achieved in a project simply by allowing the individual who is completing the task to establish a plan of action instead of delegating a precise set of step-by-step instructions for a task. However, this is certainly not too say that flexibility eschews proper direction in delegation; flexibility implies an openness in deciding a process for achieving a defined end, rather than an undirected journey into discretion.

Indeed, the amount of flexibility that should be instilled in any particular delegation process will vary. It would not be appropriate to delegate onto a junior or less-knowledgeable

staff member a complex, novel task without providing extensive guidance on the process of its completion. It is advisable though, even in this situation, to allow the staff member flexibility whenever possible. Perhaps providing signposts or checkpoints for a given task, but allowing the firm member flexibility in reaching those checkpoints may sometimes be the most appropriate method.

No matter how much flexibility is determined to be appropriate in completing a given task, it is always wise for the individual delegating the task to be certain of how the individual completing the task is actually proceeding. Practically speaking, however, it is sometimes impossible to expect the individual to provide a breakdown of their plan of action immediately after being delegate a task, so sometimes it is advisable to schedule follow-up meetings in addition to the initial delegation exchange. This way, the individual completing the task can take some time to plan their strategy and determine how long it will take to produce a final work-product.

The importance of allowing this flexibility cannot be understated. While a lawyer-manager may undoubtedly know the fastest and most efficient route to completing a project or task and be capable of explaining these steps to others at the firm, he or she may need to reconsider doing so. Other team members should be allowed, and indeed encouraged, to contribute by not only completing tasks as directed by others, but also by making important planning and decisions en-route to their completed products. Allowing this sort of flexibility results in members of the team taking on a sort of individualized responsibility. This sense of responsibility is crucial in establishing a positive working environment which is conducive to producing motivated team members and effective, healthy working relationships.

Another way in which this sense of responsibility and involvement can be instilled within firm members through the delegation process is with the setting of deadlines. While the establishment of specific and defined deadlines is advisable, the lawyer/manager should not necessarily determine those deadlines independently, but should instead allow input from the individual to whom the task is being delegated.

A conversation regarding deadlines flows naturally from one involving how much time a project will take to be completed. A conversation about timelines and deadlines should be a bilateral, open exchange of positions and opinions on the matter, followed by a firm and communicated decision of exactly what work product is expected and by when it is expected.

In addition to setting deadlines on when the task should be completed, it is also wise to establish deadlines or timelines regarding review and feedback of the work product to be completed. If the lawyer-manager plans to provide feedback within a certain timeframe, that should be made clear. If subsequent drafts or revisions of a work product will likely be expected following the initial submission, provide at least a general idea of when these tasks will have to be completed.

Check IN and Be Available

Once the initial exchange between lawyer/manager and firm member has been completed, it is important to recognize that the act of delegation is not complete, nor will it coast itself into completion from this point. Far too many managers and lawyers fail to make it through onto to this step of the process, and as a result often experience missed deadlines and poor results. These missed deadlines or inadequate results are of-

ten viewed by those delegating the tasks as telltale signs of incompetent staff or shortcomings in the process of delegation generally, but this is not necessarily and most likely not the case.

It is imperative that the lawyer-manager delegating a task maintain a connection with the task throughout the time it is being completed in order to adjust and direct the progress appropriately. This does not mean that the flexibility instilled within the team member be eschewed and the hard-won sense of responsibility erased – nay – rather, it means that the confidence and sense of ownership and responsibility must be reinforced throughout the time which it takes to complete the task.

Junior lawyers, paralegals and support staff will often feel momentary lapses in confidence and motivation when completing tasks that have been delegated to them by their senior lawyers and managers. This lack of confidence will threaten the progress being made on the task and within the team member alike and must be avoided and eradicated whenever detected.

An effective lawyer-manager delegates a task until the task is complete. It is imperative that he or she remain available and open to those completing the work under direction.

Coaching

In the same way that that delegation can vary from a short routine instruction to a long and detailed explanation and assessment, the need for coaching in the delegation process also exists on a spectrum and can vary greatly. On one end of the spectrum, like in the former example of a routine delegation to a well-known and trusted colleague, coaching can be almost or entirely absent – the delegation occurs completely “hands-off”. Once the task is delegated in such a scenario, it is not necessary or even helpful to coach or feel the need to coach the other individual, and a fine and timely produced work product in due time can be expected with a fair degree of certainty.

On the other end of the spectrum, like in the latter example of working with an unknowledgeable or an unknown colleague, and also especially when dealing with complex, non-routine matters, the need for involvement of the lawyer-manager is very high. Hands-on involvement and intensive coaching would likely be necessary and advisable in such a scenario. The individual delegating the task must devote considerable time and energy into ensuring the other individual not only learns how to complete the task correctly and actually does so, but also that the other individual recognize the role and function of each step in the process of completing the task.

In between these extremes of hands-on and hands-off involvement, coaching can be adjusted to fit each individual situation. Segmenting each task into smaller actions allows the individual delegating the task to be effective and efficient in delegating tasks to other individuals, but also accounts for the

lack of knowledge or experience which the other individual possesses. When segmenting a task, the individual delegating the task should be cognizant of points in the work process which might cause the other individual confusion or difficulty. These points can become “check-in” points, whereby the delegating individual should check to ensure the individual completing the task is on the right track and progressing effectively. Further guidance can be provided at these points, or the initial guidance and instruction can be reiterated if it appears that it is not being adhered to or followed appropriately.

Motivation

As nuanced and flexible the process of delegation appears, it becomes a fairly straightforward endeavour when it is compared it to the delicate and curious endeavour of instilling and maintaining motivation in each of the team members involved in the firm’s business.

Motivating professionals is often undertaken with distinct but often complimentary approaches.

One such approach, alluded to previously, involves creating shared responsibility. This involves the manager or supervising individual to ask themselves how they might involve their team members more. There are innumerable ways to involve

another individual in such a way as to instill a sense of shared responsibility. These include cooperatively thinking through and discussing the tasks at issue aloud with the other individual present, such as to fully involve the other individual in the decision making process, even if superficially, rather than simply decide on what has to be done then iterate only the instructions as to what must be completed. Even if only one individual actually has any decision making authority in the particular power dynamic, thinking through the problem aloud in the presence of other team members who will be involved in the tasks completion helps those team members take ownership and responsibility for the tasks that are being discussed. It is also wise to include subordinate team members in meetings and calls that concern the project or tasks to be completed, such as to immerse them in and bind them to both the individual tasks and the ultimate success or failure of a file or project.

Another approach to motivating professionals involves providing the best opportunity for the professional to succeed. This approach is more indirect and proactive, and relies upon the broader conditions and environment in which delegation and coaching occurs. In order to most effectively properly motivate professionals, the environment in which the professional works must be made to promote confidence and success. An environment that is conducive to success is one that respects each individual team member and demonstrates a recognition for each member's importance and individual role. In an environment which is most conducive to opportunity, the continued advancement and ongoing success of each team member must be encouraged and applauded. Investments must be made in initiatives such as continued education and development, and focused skills training. Just as beneficial as the actual improvements in the professional capabilities amongst team

members is the improvement in morale and confidence that results from demonstrating to team members that the firm is concerned about the skills and efficacy of its components; the firm recognizes the importance of its components (each individual), since it invests valuable resources into their improvement.

A third approach to motivating team members to work harder and more effectively is centred around respect. Respect is a two-way street; it should be given as graciously and openly as it is received. A workplace dynamic that is wealthy with respect is incredibly conducive to motivation. Professionals who value the opinions and judgements of their team members are more likely to work hard in order to meet and exceed expectations. Likewise, professionals who know that their opinions, work and general role in the firm is valued and respected are more likely to work to the best of their abilities, unburdened by nagging concerns over whether their hard work will be valued and respected by the firm.