A Paralegal's Take on Law Firm Management Challenges

By Jessica Ferm

Millie Dyson, age 37, is the epitome of legal support staff competence. She did word processing at a law firm while in high school and steadily worked her way through the ranks. From secretary for three litigators in an insurance defense practice to senior paralegal in the IP department of a 150-year-old firm in Kentucky, she's done it all. She has a razor sharp intellect, a brutally honest world view and over seventeen years of battle-hardened experience in the legal trenches.

We interviewed Millie while researching management issues in the legal profession for J.Ferm's No Frills No Fluff(TM) Management Skills Lawyer's Edition Program. As we began correlating data and analyzing the lack of management skills training in the legal profession, we realized that Millie had given us a steady stream of quotes that perfectly describe a wide range of law firm management pains. Through Millie's wit and wisdom, we will introduce you to three common management challenges and offer a few no frills no fluff strategies to mitigate these pains.

1. Lack of Management Skills in Young Attorneys

The Challenge:

"It's not in my best interests to train young lawyers. Every time some arrogant kid tells me to do something, I have a choice. I can take the time to train her to say 'please' and 'thank you' or I can use that time to go the extra mile for the managing partner. Guess who wins."

Millie perfectly illuminates the management folly of not taking the time to start young lawyers off on the right foot. Lawyers need to manage their support staff and without the necessary management skills needed to create a positive attorney-paralegal relationship, both parties suffer from miscommunications, stress, and unnecessary frustrations. The conventional wisdom is that it takes three or four years of practice after law school before young attorneys are profitable. It takes the same amount of time to develop a good foundation of management skills. Unfortunately, very few firms make this investment in training and thereby inadvertently support poor management, miscommunication and contentious territory-staking.

The Strategy:

Wouldn't it be great if new attorneys had taken a course in "Managing Your Secretary 101" and could co-create powerful partnerships with staff from the start?

In the meantime, and while not a substitute for formal management training, these two strategies can help attorneys and paralegals manage their relationship more effectively:

* At the start of a new attorney-paralegal relationship, have each party share their most important pet peeve. For example, Millie hates when others don't say "please" and "thank you." While it may seem like a minor issue, the lack of these common courtesies pushes Millie into passive-aggressive behavior. An attorney pet peeve may be when paralegals hover in the doorway to ask questions while the attorney is on the phone. By uncovering these hot buttons early on, both parties can avoid triggering each others' shadow behaviors.

* Set up formalized regularly scheduled times for consistent check-ins on what works and doesn't. It is often effective to ask what someone wants "more of" and "less of" to avoid triggering personality differences and hurt feelings. Continuous feedback is the key to any great business relationship.

2. Not Firing Dead Weight Staff Members

The Challenge:

"I can handle the arrogance and social awkwardness of lawyers just fine. It's the cluelessness of staff that puts me over the edge. I once worked with a secretary with tons of seniority whose tech skills were so out of date that it seriously gummed up the works. It was easier to just do it myself. As a paralegal, I didn't have the authority to criticize much less fire her. We had 25 tough-as-nails attorneys in the firm and nobody had the stomach to let her go."

Unless your firm is blessed with a cold-blooded hatchet man who spends his spare time looking for people to throw overboard, chances are that it has more than its share of dead weight. Millie's quote addresses a prevalent pattern that emerged during our research: conflict avoidance among attorneys. Lawyers can be great at negotiating complex deals and destroying opponents in court but, ironically, they avoid firing non-performing staff persons within their own firms out of a fear of being perceived as mean.

While it may be tempting to analyze the psychological reasons for this phenomenon, let's address the more important management pain. Most law firms have ineffective performance management systems. Often times they are trapped in lumbering end-of-the-year evaluation inefficiency that over-focuses on reaching mandatory billable hours or over-relies on managers' abilities to effectively evaluate employees. When firms have, and use, effective performance management systems, firing non-performers, people with poor attitudes, and toxic individuals is simply a matter of process.

The Strategy:

These two strategies will help firms and individuals retain star performers and fire non-performers:

* Develop well thought-out competencies for each position within the firm and tie it into the strategic plan/vision. Avoid simply listing things such as "Team-centered" or "Effective Communicator." Really consider what specific competencies are needed to deliver the job in the most effective, efficient, and productive manner. In Millie's case, the secretary needed updated technology skills. A clear competency may have been: "Tech-savvy: Consistently uses technology to efficiently resolve day-to-day issues, improve inter-departmental communications, and provide clients with exceptional service."

* Conduct a performance audit of your staff using a high-low performance to high-low potential axis (often called a 9-box system. Then proceed to place your people based on your performance audit. For example, if they are a top performer with a high potential, they would place in the top right corner of your graph. Low performers with medium potential would fall in the bottom center of the graph, etc. This will give you a starting point from where to evaluate each person's performance. From that point you can suggest individual areas for development for people with potential and determine an exit strategy for those falling in low performance low potential positions.

3. Lack of Delegation and Time Management

The Challenge:

"I get that crises happen. I'm OK with going all out in an emergency. But when I lose a weekend because some attorney gave the client the 'drop deadline' instead of adding a day or two for my work, it makes me want to quit. When it happens every single weekend, it makes me want to hurt somebody."

At first blush, this looks like an everyday problem between lawyer and staff. Many things could be going on here. Perhaps Millie's boss has lost control of the client and is afraid to enforce deadlines. Maybe Millie's boss just doesn't get the deadline concept. Maybe Millie isn't communicating this problem to her boss - there is, after all, a culture of martyrdom in law firms whereby status is conferred upon those who work the craziest hours. (Nothing quite says "BONUS" like running into a name partner in the office at 7:00 am on a Saturday morning.)

Whatever the root cause, the bottom line is that lack of effective delegation and time management frequently causes miscues and miscommunication, which can create deeper issues if not addressed. To create an effective delegation system, the attorney and paralegal must agree on specific definitions. For example, what is the difference between a deadline, a drop deadline, and a check in date? By clarifying these definitions, both parties will be able to manage their time more effectively. Another important aspect to effective delegation and time-management is setting aside time to prioritize tasks and projects. Without prioritizing, many tasks tend to move into the immediate or urgent category, which leaves little to no time for organizing, planning, and strategizing. As we saw in Millie's quote, it can produce such a negative ripple effect that you end up losing star staff members due to ineffective delegation and time management.

The Solution:

These two strategies can move a dysfunctional team from constant crisis mode to a well-oiled machine:

* Identify two common challenges that appear on a consistent basis that prevent the team from working in sync. They could include frequent miscommunications about deadlines, documents filed late, disruptive interruptions, negative attitudes, etc. Conduct a mini-root cause analysis by asking probing questions about when these scenarios appear and what may be causing them. Once causes are identified, create a list of non-negotiable expectations to avoid falling back into old patters. For example: "We will set deadlines, drop deadlines, and check-in dates for all client matters."

* Use a priority code system to allocate to-do tasks. Use a 1 for things that need to be done today, 2 for things needing to be completed within the week, 3 for this quarter, and 4 for long-term projects. Share the codes daily to produce a visual overview of what needs to be done and what can be delegated.

We appreciate Millie's candor and unique perspective as it relates to law firm management pains experienced by staff. These strategies are meant to serve as initial action steps and are not comprehensive solutions to often complex problems. We hope that they spark ideas for creative problem-solving and offer tools for managing more effectively.

About the Author

Jessika M. Ferm has dedicated her career to helping business professionals enhance their leadership skills and on-the-job effectiveness. Her firm, J.Ferm, LLC, works with executives at many leading corporations ranging from Fortune 100 to start ups.

A native of Göteborg, Sweden, Ms. Ferm brings an international awareness to helping top management streamline systems, sharpen focus, and deliver bottom-line results. Her approach is direct, honest, challenging, and supportive and she is known for grounding her recommendations and ideas in a hard-nosed business sense. Ms. Ferm believes passionately in the power of the individual and tailors her executive development services to best fit the client, company, and the situation. Straightforward and solutions-oriented, Ms. Ferm's unique system gives clients sustainable measurable results.

Ms. Ferm is a Professionally Certified Coach (PCC) and holds numerous certifications in the behaviors, values, and leadership development fields. She holds a Masters Degree in Instructional Design/International Business and a Bachelors Degree in Business Management/Leadership from Johnson & Wales University in Providence, RI.

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