

— by Barbara Drake —

Lawyers enter the legal profession to practice law. Legal work is what they know and enjoy. In the fast-paced, high-volume environment of a local government legal office, management responsibilities can easily become secondary to legal responsibilities. In the absence of strong management and leadership that gives structure and direction to an office, efficiency, effectiveness, and morale deteriorate over time.

Understanding, adopting, and implementing best practices is a proven strategy for meeting the challenges and responsibilities of managing the practice of a public legal office.

### **What Are Best Practices?**

“Best practices” implies that there is no better way to do something, which is obviously a false premise. When someone uses the phrase, it is not always clear just what they mean—in different contexts, it has different meanings. Sometimes, it simply refers to something that worked for someone else, at another place, and in another time. It can also refer to something that someone, for some reason, considers to be a standard for measuring success. A better view of best practices is to consider them to be tools that work: processes, systems, methodologies, and techniques that have produced specific and desirable results, in actual experience and in different contexts. Those are the best practices that really matter. The strategies that follow are that type of best practices.

For local government legal offices, best practices address particular problems that fall into different categories, each of which pose unique challenges: client service and relations, practice management, human resources, and technology resources.

# **Law Office Management for Local Government Lawyers**

*What Can Best  
Practices Do  
For You?*



## Client Service and Relations: Best Practices

**Service Factors.** One of the primary goals in a client service and relations program is achieving high levels of client satisfaction. There are identifiable service factors that enter into the level of a client's satisfaction with the services he or she receives. These factors fall into four groups: process issues, quality of advice expectations, client operations and objectives, and personal attributes. Understanding these client expectations is essential to establishing a successful client relations program.

The most important service factors, in terms of client satisfaction, are those related to process. Criticism about timeliness (meeting deadlines) is the most frequent client complaint in any legal practice; the importance of responsiveness to voice mails, phone calls, e-mails, and similar contacts follows closely. In other words, the most important qualities, in terms of a client's overall satisfaction, are the availability and accessibility of the people who can help them. Other process factors that matter to clients include receiving reports on the progress of pending matters, and knowing that adequate time and resources are devoted to their needs.

Service factors relating to quality are also critical to a client's satisfaction level. These factors include an appropriate identification of issues; accurate and thorough work; impartial and objective advice; and simple, practical, and understandable explanations. Clients may or may not generally want lawyers involved in their policy or administrative matters, although there are situations where the nature of matter makes involvement of counsel advisable.

Clients expect their lawyers to be creative, energetic, and innovative. Regardless of whether clients want lawyers involved in their operations, lawyers do need to understand the client's operations, objectives, and cultural environment. The better a lawyer understands a client's responsibilities and programs, the easier it will be to avoid being a nay-sayer who thwarts the client's goals. Knowing a client's operations also facilitates giving preventative advice, and finding alternative or multiple solutions to problems.

Finally, while clients want their lawyers to have a professional demeanor, they also expect counsel to be personable, approachable, and easy to work with. Clients should feel that a lawyer is part of the effort to accomplish their objectives, rather than an obstacle that they need to overcome.

Clearly, clients have very broad and high expectations. The challenge is how to go about meeting those expectations in ways that achieve high levels of client satisfaction, while maintaining the quality and integrity of the legal advice given to them.

**Client Satisfaction.** Making sure clients know who is responsible for handling their legal issues is the very first step in the client satisfaction process. Work assignment lists—automated, if possible—prepared by client and program area, reviewed regularly, and distributed broadly, give clients the necessary information on who to contact for help with their legal needs.

In terms of overall client satisfaction, making client service and relations the top service priority of the legal office is essential. A clear commitment to client satisfaction is the cornerstone of a successful client relations program. Articulating the commitment repeatedly and regularly to clients and legal office staff insures that everyone understands that improving client satisfaction is an important objective.

At the same time, a commitment to timeliness and responsiveness is vital to address client concerns about accessibility and availability. An automated work tracking (matter management) system to organize and track matter data helps in evaluating and reporting on timeliness and responsiveness levels.

At both the organizational and individual levels, performance measures for client satisfaction, as well as timeliness and responsiveness, should be established, evaluated, and reported on regularly. To make the measures truly meaningful, they should be a factor in performance evaluations and compensation decisions.

When giving advice, lawyers should emphasize problem prevention and creativity. Dispelling the ever-present client notion of lawyers as nay-sayers requires ongoing attentiveness to finding alternative or multiple solutions when the question a client poses cannot be answered affirmatively.

As part of outreach efforts to improve satisfaction levels, involving clients in employment decisions and performance evaluations reinforces the commitment to client satisfaction. It also gives clients an opportunity to offer observations and feedback that are likely to be helpful in identifying and addressing other management issues.

**Client Surveys.** A client satisfaction survey is a valuable tool in a client relations program. Simply asking clients for their opinions improves the relationship between clients and the legal office, and enhances the image of the office. While the results of client satisfaction surveys are generally overwhelmingly positive and validate the performance of the legal office, they are indispensable in helping to identify areas or opportunities for improving efficiency, effectiveness, and performance.

A well-designed client survey gauges client perceptions of the legal office's strengths and weaknesses, identifies client service expectations and priorities, and gives a good indication

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## LAW OFFICE MANAGEMENT

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of the clients' image of the office. Written surveys, conducted online and combined with strategic client interviews, provide the most comprehensive and reliable results. A meaningful survey includes scale and satisfaction ratings for all key service factors and a section for narrative comments where clients can provide detailed feedback. It also contains a confidentiality provision so that clients can remain anonymous, as well as a confidentiality waiver to enable direct discussion, when necessary, of issues raised in the survey.

However, conducting a survey is not, in itself, sufficient. Requisite follow-up includes detailed analysis, and bench-marking the results against similar surveys in similar circumstances to determine qualitative and quantitative deviation from the norm. After identifying opportunities for improvement, legal management must respond promptly and directly to address the issues raised in the survey. Addressing survey results regularly in staff and client meetings until all issues have been resolved insures successful utilization of the survey.

Using a third party to conduct a client satisfaction survey has some distinct advantages, including the ability to protect confidentiality and to benchmark the survey results meaningfully. Selecting a third party surveyor who understands the environment and can conduct the survey online is an important factor in the success of the survey.

**Service Level Agreements.** A service level agreement is a negotiated understanding that sets forth mutually approved criteria relating to service delivery, priorities, and responsibilities. These agreements have wide-ranging benefits, not the least of which is strengthening the relationship between the legal office and its clients. A service level agreement, properly negotiated and drafted, significantly enhances the understanding of a client's needs and expectations. Not only does negotiating the agreement provide a context for communication between the parties, it also improves their understanding of each other and provides a forum for the

exchange of important information and timely feedback about problems and needs. The collaborative process leading up to the agreement, and a regular review of its provisions, are as important as the agreement itself. A good service level agreement includes a description of the services that the client needs; expectations concerning lawyer performance (service standards); and objective and subjective measures to track, review, and report on service effectiveness. The agreement should also specify a process for its review and revision.

Establishing service level agreements improves the relationship between the legal office and its clients. The agreements serve as a tool for managing client expectations, improving service delivery, building a relationship of mutual trust and respect, and strengthening the focus of the legal office on service delivery. They can also provide the justification for new human and technology resources by documenting the extent and nature of client needs.

### **Practice Management: Best Practices**

Managing the substantive legal work in a local government legal office requires a great attention to detail because of the broad range in the nature and substance of the issues handled, and the wide diversity of clients served. Using the right tools in the right ways is essential to insuring efficiency and effectiveness in meeting that challenge. At the very core of successful practice management is a sound organizational structure. The legal office's structure must align with the needs of its government to achieve effortless access. Grouping lawyers by matters and programs is part of that alignment. In addition, the best organizational structures characteristically have minimal management and clerical staff, strong paralegal support, and an office administrator to handle non-legal support staff matters.

The systems to support substantive work are equally critical. Effective document management facilitates the flow of information through the office. It maximizes the ability to retrieve the work product and avoids work duplication and insufficient knowledge sharing,

thereby greatly improving efficiency. Fortunately, there is a wide variety of document management software available. Selecting the one that is most suitable to the environment it serves is vital.

A key component of meeting goals for timeliness and responsiveness is a matter management, or automated work-tracking, system. Timekeeping rules and procedures also improve the ability to monitor and report on workflow. A separate caseload management system, including tracking mechanisms and an assignment methodology based on case complexity, time demands, and lawyer experience, facilitates in the compilation and review of caseload reports.

Successful practice management also includes establishing specific performance measures relating to the handling of matters and cases for both the organization overall and for individuals. Using the management systems to generate data and reports for detailed analysis is essential in determining staffing needs, gauging organizational and individual performance, and identifying opportunities for improving office efficiency.

### **Human Resources: Best Practices**

Managing the legal office's most valuable asset—its people—is a demanding, time-consuming responsibility. To succeed in human resources management, all staff (not just those with management responsibilities) should make a commitment to management issues as the top priority. A regular and consistent staff communication system, including the discussion of management subjects, is central to meeting that commitment, and prevents an office from suffering from the "silo" effect, where segments of the office operate independently from each other.

Clear delineation of work avoids the need for constant attention to determining staff responsibilities, which is time-consuming and non-productive. Understanding staff workloads through regular exchanges supports the necessary continual assessment and realignment of the mix of attorney, paralegal, and clerical work. Making sure that all staff members are working at appropriate levels is also an ongoing management responsibility.

While a “no surprises” strategy for determining the delegation of duties sometimes works fairly well on a small scale, a specific delegation policy aids in making sure that there are, in fact, no surprises. A definitive, clearly-articulated delegation policy details matters that the chief legal officer handles and includes specific criteria for determining whether a matter can be delegated. For example, non-delegable matters generally include those with ethical implications or a significant liability or fiscal impact, those with potential adverse publicity or embarrassment, and issues of government-wide impact.

Most local governments use both in-house legal staff and outside counsel to meet their legal needs. Achieving an appropriate mix of inside and outside counsel requires carefully drawn policies and procedures. Generally, the use of outside counsel should be limited to situations that require specialized expertise, involve conflicts of interest, or address workload issues. A centralized process and a specific methodology for selecting and monitoring the costs and performance of outside counsel, as well as standardized written retention agreements and pricing, help achieve a uniform and efficient use of outside counsel. Evaluations of outside counsel should include process issues (timeliness and responsiveness), and indicators of performance, effectiveness, and overall satisfaction from both the client and the in-house legal office perspectives.

Another component of a successful human resources management program is effective training. Adequate time and funding should be available not only for continuing legal education, but for other substantive educational and career development opportunities, and for client satisfaction and management training.

Establishing individual performance standards for all employees facilitates achieving accurate performance evaluations. Effective standards identify both strengths and weaknesses. Performance that excels should be recognized and rewarded—even if only non-financially. A system for identifying and addressing performance problems is also fundamental.

Attracting and retaining high quality employees is one of the major challenges of managing a local government legal office, primarily because of the fiscal constraints inherent in government practice. Periodically evaluating and bench-marking compensation, staffing levels, and legal expenses against those of comparable government agencies in the immediate geographic area is a necessary part of making sure that your compensation structure remains competitive.

### **Technology Resources: Best Practices**

As noted above, four different components of legal office functions require technological support: document management, matter management (automated work tracking), caseload management, and timekeeping. A carefully drawn technology plan, with both short- and long-term initiatives, is the cornerstone of an office technology management program. Such a plan paves the way for the maximum utilization of available resources and establishes a methodology and process for evaluating and prioritizing the office’s technology needs.

### **How to Adopt and Implement Best Practices**

It takes considerable energy, creativity, intelligence, and perseverance to adopt and implement best practices for managing an office. The beginning point is to benchmark the current operations of the office against the best practices described above. Benchmarking will not show what the office is doing right or wrong, but will identify areas that need further scrutiny. Any deviations from the benchmarked best practices are a starting point. After benchmarking has identified key areas for strengthening management processes, the next step is prioritizing those areas according to importance and ease of implementation. Then, drawing up a timetable for implementing each objective sets the stage for the real work to begin.

### **Using Best Practices to Establish Performance Measures**

Many local governments use organizational performance measures to gauge

and report on their effectiveness. Often, the legal office is exempt from such efforts because its nature is so different from that of the government it serves. Increasingly, however, local governments are asking their legal offices to establish their own organizational performance measures. Many legal offices struggle with this task. While the legal organizational performance measures must align with those of the government, they should also reflect the unique kind of work the legal office performs. Reconciling those two very different interests is a significant challenge.

If a legal office undertakes the effort to integrate best practices into its management scheme, the best practices identified as those central to mission of the office can provide the foundation for establishing its organizational performance measures. For example, overall client satisfaction levels, data on timeliness and responsiveness, and caseload management information can provide the basis for establishing and reporting on organizational performance measures.

### **The Rewards of Using Best Practices for Your Office**

Best practices build a sound organizational structure, as well as efficient practice management systems. They also maximize the effectiveness of human and technology resources. The benefits of adopting and implementing best practices extend far beyond the improvement in internal systems and structures. Clients receive better service; improved client service leads quickly to higher levels of client satisfaction; satisfied clients make for a more positive work environment, which brings about greater professionalism and dedication, as well as improved staff morale.

Utilizing best practices significantly enhances the ability of an office to meet the ever-changing demands of local government legal practice. Improved service delivery builds mutual trust and respect between lawyers and clients, thereby enhancing the image of the office, to the government it serves and to the public as well. **M**