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More Words to Manage By

Martin L. Fineman of Davis Wright Tremaine offers tips and practical advice on running a law firm.

By Martin L. Fineman | June 22, 2011 at 01:17 PM

- Frank McKinney Hubbard, the American journalist, humorist and cartoonist, once wrote, "Lots of folks confuse bad management with destiny." In this second of a two-part series, I offer my humble observations on law firm management, drawn from more than 10 years as the partner in charge of the San Francisco office of a national law firm. I have distilled these comments into the Sixteen Commandments of law office management. Part one addressed SALY management, the three steps to every decision, deal euphoria and other lessons learned the hard way. This second addresses commandments nine through 16. It is my hope that these commandments will help you avoid making bad management the destiny of your law office.

9. NEAPOLITAN ICE CREAM ISN'T ALWAYS THE BEST CHOICE

- I love ice cream; I always have. When I was a kid, once in a while, my mother would let my brothers and me pick the flavor of ice cream at the supermarket. Predictably, one of us would want one flavor, another would want a second, and the other would want a third flavor. After letting us argue for a few minutes over the best flavor, my mother would step in and pick Neapolitan ice cream: chocolate, vanilla and strawberry. "Now, everyone will be happy," she would say, proud of the decision. Not quite. Despite her best intentions, she had only assured that no one was happy. In making decisions affecting your law firm, be wary of choosing Neapolitan ice cream. The split-the-baby decision is not always the best decision, nor is it the

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choice that will make everyone happy. To be sure, often a compromise is the best decision. But very frequently, a tough choice simply needs to be made and a middle-ground solution will only leave everyone unhappy.

10. DON'T JUDGE A BOOK BY ITS COVER

We all have a variety of preconceptions based on looks or actions. A rainmaker will have matinee idol looks. A trial lawyer should be glib. A corporate lawyer will act a certain way. Now, think about the best rainmakers or trial lawyers or corporate lawyers in your firm or in your town. I bet that many will not at all fit the stereotype. Certainly, one of the biggest rainmakers in my firm would probably be the quietest, most unassuming person in the room. But this lawyer's "bedside manner," excellent knowledge of the industry and quiet confidence make clients flock to his door. Don't judge a book by its cover.

11. DON'T SELECT PRACTICE GROUP LEADERS BASED ON BEING A BIG SHOT

Being a practice group leader is an immensely important job. The practice group leader must set the tone for the entire practice group and must make many important strategic decisions. Unfortunately, in too many law firms, practice group leader is an honorific conferred on the partner with the most clients in that practice area. In fact, sometimes the person with the most clients or the most seniority (or other not directly relevant credential) will demand to be made practice group chair. Resist this demand. Practice group leader is too important a job to be assigned in that manner. In fact, sometimes making the person with the most clients the practice group chair will be counterproductive for all involved because it will only take time away from that highly successful lawyer spending more time on client work or business development. Leadership ability, financial savvy and strategic sense are the important traits of a practice group chair. The person with the most clients or the most seniority may or may not have those traits. Conversely, for example, the midlevel partner with an MBA and good organizational talents and people skills may be just the one you are looking for.

12. AVOID APPOINTING (OR BECOMING) THE DUP

Like all of corporate America, law firms are suckers for management trends and even fads. Whether requiring everyone to file an annual professional development plan or implementing a TQM program, these initiatives only have benefits if there is follow-through. Unfortunately, far too many law firms loudly and proudly announce a new program of quality circles or best practices, only to file away the committee reports without doing anything to actually implement the program. Along the way, some poor sap (maybe you) is appointed to head up this grand new program. The correct title for this unfortunate individual is DUP, which stands for director of useless programs. Law firms need to be honest with themselves about which high-sounding and seemingly worthwhile programs they are sincerely committed actually to implement. Otherwise, you are merely consigning some poor individual or committee to being the DUP.

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13. EMAIL, THE SCOURGE OF OUR EXISTENCE.

Ah, the halcyon days of circa 1992, when email was brand new and shiny. This wonderful invention held the promise of saving us all so much time. No more phone tag. Far fewer letters. The ability to send a message at the end of the day, California time, and have a response from New York waiting when you arrived the next morning. That was the promise, and sometimes the reality, of email. But for many of us, email has become a time and efficiency sinkhole. In these times of 80 to 150 emails per day, it is possible never to accomplish anything other than respond to unimportant emails all day. It is certainly possible to spend vast amounts of time just weeding out trivial messages or, worse, spam.

Just as bad from a management perspective, email tends to spawn a huge number of misunderstandings. By virtue of email's brevity and immediacy, it tends to cause bruised feelings, even when no slight was intended. How often have you sent a lengthy, well-reasoned message only to get back a one word response, "Agreed"? How often have you seen two correspondents locked in an e-mail battle to the death, each determined to have the last word? How often have you seen someone offended by an email that is too casual or too formal, when that never would have occurred if one party or the other had merely picked up the phone? And how much of your time as manager have you spent soothing ruffled feathers caused by emails?

Email isn't going away any time soon, so it is incumbent on a law firm manager to at least tame the beast. Drop in and (briefly) meet with someone, phone if that is not possible, and use email judiciously, being sure always to read your message one last time before pressing "send," looking at the note from the standpoint of the recipient. And preach that others do the same.

14. DON'T SUCCUMB TO GRESHAM'S LAW OF FIRM MANAGEMENT

Gresham's law is the principle of economics that "bad money drives out good." It means that when two forms of money exist in an economy, only the less intrinsically valuable money (for example, paper money) will circulate, while the more inherently valuable money (for example, gold coins) will disappear. Gresham's law of firm management is the corollary. It is the process of subconsciously allowing all available management time to go to the least productive management pursuits, such as refereeing personality squabbles and tending to unimportant, squeaky wheel stuff, thereby taking away the time needed for more important management pursuits. For example, your choice for today may be (a) to meet with a group of partners and your marketing manager to strategize about getting more work from XYZ Corp., or (b) to spend time arbitrating a hair-pulling match between two partners over whose project a paralegal will do first. I bet you know which holds more value for the firm. But I bet you know which activity you are more likely to get dragged into. Spending a day on the less important pursuit is a shame; spending a week on matters like this is a disaster.

15. TRY NOT TO LET OTHERS DICTATE YOUR SCHEDULE

I would love for this commandment to be, "Don't let others dictate your schedule." But to be

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realistic, there will be many times when others legitimately intrude on what you had planned to accomplish that day. There are many genuine emergencies in law firm management. The trick is to discern the difference between attorneys with true emergencies and those who simply turn every matter into your crisis to deal with. If you allow others to dictate your schedule, you will never accomplish the important tasks the firm, office or practice group as a whole are depending on you to address.

16. 'I DON'T WANT TO HEAR THE LABOR PAINS, I JUST WANT TO SEE THE BABY'

As a member of law firm management, you will be asked to do many difficult and even unpleasant things. You will have to make tough decisions. You will have to spend time on administrative issues when you would rather spend it doing client work or developing new business or with your family. You will have to say "no" to people. You will have to make unpopular choices. It will be tempting sometimes to complain. Short of that, it will be supremely tempting to let others know how hard your job really is. But know that others aren't interested in that. More importantly, you have been entrusted by your partners and many others who depend on you to do a job. That job is to manage your firm or office or practice group. You are not doing that job effectively if you drag others through all of the work you went through in order to make and implement a decision. Your partners don't want to hear the labor pains, they just want to see the baby.

Martin L. Fineman is the partner in charge of the San Francisco office of Davis Wright Tremaine. He handles litigation in the areas of contract, corporate securities, intellectual property and international litigation with an emphasis on class actions.

In Practice articles inform readers on developments in substantive law, practice issues or law firm management. Contact Vitaly Gashpar with submissions or questions at vgashpar@alm.com (<http://vgashpar@alm.com>).

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