

In Pursuit of Priorities

Time Management: Not an Impossible Dream in Law Firms

BY ED POLL

A coaching client called me, frustrated because she was afraid of missing critical litigation dates. In fact, she even awoke in the middle of the night on more than one occasion, wondering whether a document had been filed timely. She had explored case management software programs, but found them too expensive and cumbersome. She also didn't have sufficient staff for complicated record-keeping notations.

Does this sound familiar? I recognized her frustration because I had heard it many times before. More important, I recognized that she had tried to find a solution on her own, and that her past experience would make her more open to experimentation.

Lawyers – and the firm managers and administrators with whom they work – must realize that while time cannot be technically “managed,” priorities can be set, and then systematically addressed. Most folks who claim they have too little time generally 1) fail to make a list of priorities, 2) hop around the list, or 3) allow themselves to be distracted by “urgent”, but not “important,” other tasks. They then fail to get “back on the wagon,” revisiting the priority list to pick up where they left off.

CREATING A FORM, AND USING IT

I suggested to my client that she create a form – one that I outlined for her – and that she use this form not only to track tasks to be done, but also as a tool to develop the strategy for each case, step by step. For each new matter, a strategy is created for it. By doing this, you then can set forth each task, one basic next step after the other, as you envision the matter's progress. When you do this, you achieve several things:

- Creating the strategy when you first receive the matter helps you to envision the successful outcome of your representation.
- As the tasks are each listed, and assignments to staff are made, you have a mechanism to know when each task is to be done and by whom.
- Greater peace of mind is achieved ... as is a defense against negligent omission of dates/tasks required for the protection of your client.
- Generally, the cost of legal services to your client will be lower.

A copy of this form can be used not only for each matter/case, detailing all of the known tasks into the future. But, it can also be used as a summary of all of your matters, with only two or three of the next tasks listed so as to have one sheet(s) to check on any



A law firm that has detailed all the tasks that make up matters has the means to analyze the firm's entire cost structure.



Many firms find it difficult, if not impossible, to send detailed status reports and timely billings to clients, to develop accurate budgets for a matter, and to analyze the firm's cost structure. Documented task/time management techniques make each of these essential activities possible.

particularly if you have kept them in the workflow loop during the engagement.

Detailed invoices are particularly powerful when they reflect a budget that a lawyer and client agreed to before the matter began. A budget may be only an estimate of what's going to happen, but it still can provide a framework to anticipate the events, time, and money an engagement can be expected to require.

In estimating time, use common sense, be realistic, and communicate accurately about the amount of time it will take to complete any work. Err on the side of caution, and be sure to build in more than adequate time. Except when you are dealing with statutory or deal-making deadlines, the client is less concerned with exact time and more concerned about surprises. If you've done time management reports for similar matters, it makes the estimating process much easier. As every legal professional knows, past results are no guarantee of future performance. But an informed guess, which time management recording allows, is always better than a wild one.

LONG-TERM STRATEGIC VALUE

Ultimately, a law firm that has detailed all the tasks that make up matters has the means to analyze the firm's entire cost structure. This is vital for many reasons, from providing a roadmap for creating budgets and reducing expenses, to making it easier to address client requests for alternative billing arrangements. The challenge for most firms in doing such analyses is that lawyers, generally, don't know their costs of operation. Thus, they often must bill a "by guess, by golly" fee, not one based on a cost/benefit analysis.

Your firm cannot aspire to set budgets and fees unless you understand the firm's operational processes and how each attorney determines firm profitability by his or her activities. Such detailed knowledge of the interaction between costs and fees makes it easier for clients to accept the value that the fees represent.

Time management forms and the activities they facilitate – status reports, detailed invoices, budgets, and cost analysis – may cause some discomfort at first. Lawyers tend to believe that providing their services depends on too many variables that can't be anticipated (for example, what motions opposing counsel will file, or what problems might turn up when performing due diligence) to allow for ongoing documentation and tracking. However, individual time sheets (whether paper or electronic) already do this on a day-by-day basis.

The beauty of the time management approach outlined here is that there is a central repository of information for analysis. This is a very powerful tool that delivers peace of mind – and great defense against malpractice! ✱

about the author

Ed Poll is the Principal of LawBiz Management and a renowned law firm management consultant who recently launched www.LawBizForum.com, an online venue for legal professionals to network and to share best practices. His LawBiz Coach® column appears regularly in *Legal Management*. Contact him at edpoll@lawbiz.com or (800) 837-5880 to learn more and to receive a digital version of the time management form described in this article.