

Using Office Staff Effectively

by Thomas J. Watson

IF YOU WANT TO BE A REALLY good lawyer, you probably think you need to be smart, know the law, be persuasive, and be able to effectively advocate for your clients. Those are all traits that good lawyers have, to be sure. But there are other things lawyers can do to serve their clients well and avoid making preventable mistakes.

A malpractice claim can happen even to good lawyers. But sometimes claims arise because of mistakes lawyers could have avoided. There are two general categories of mistakes that lawyers cannot ignore: ones involving administrative procedures and ones involving client communications. If a lawyer falls short in either of these two areas, the risk of a malpractice claim soars.

Administrative procedure mistakes, including calendaring errors, make up roughly 25 percent of all claims submitted to Wisconsin Lawyers Mutual Insurance Co. (WILMIC). Client communication errors account for another 12 percent. Added together, these types of mistakes account for nearly 40 percent of WILMIC's claims.

Clearly then, administrative procedures and communication with clients are two of the most important

Good lawyers know they need excellent employees to help with administrative procedures and timely client communications, thereby reducing the risk of malpractice claims and increasing satisfaction in your successful practice.

areas to which a lawyer should pay close attention, not only because combined they generate the highest percentage of malpractice claims, but also because these types of claims are the easiest to prevent. If your office procedures include a good calendaring system with appropriate redundancy, excellent client communications, and good file management, you will greatly reduce or even eliminate a significant amount of risk. Avoiding communication breakdowns means writing letters, making phone calls, and making sure clients understand what you tell them.

Should you expect to be able to do all these things well? No. You have strengths and weaknesses, like everyone else. That's where a good staff comes in. Your ability to hire, train, and develop a good working relationship with employees should be paramount in your practice.

What to Look For

What makes a good paralegal or legal secretary? Madison lawyer and former State Bar President Michelle Behnke says, "I think you need to consider your real strengths and weaknesses and find someone who complements your skills and fills in your weaknesses. If you get someone that is exactly like yourself, that might not be the best situation." Behnke also says she focuses on personality and work habits in the hiring process. "I believe I can teach anyone how I like my documents to look or how I like the office to run, but

if they don't have the temperament for client contact or getting along with others, you can't teach that."

Lori Kannenberg, office administrator at Lawton & Cates in Madison, agrees. "Synergy between the lawyer and staff is one key to a successful working relationship. Lawyers should resist the temptation to hire someone simply for the sake of filling the position. Technical skills can be taught. But it is impractical to try to change someone's personality," Kannenberg says a series of "bad fits" can also lead to high turnover. "Lawyers should keep an eye on high performers. Turnover costs are high – especially when you factor in the learning curve and how much time a lawyer needs to invest in training a new employee. Lawyers should closely monitor the satisfaction level of top talent and solicit input from them frequently. The best staff members often have great ideas on how to help lawyers work cases more efficiently and profitably. They can also help identify potential problems and help head them off before they erupt into full-blown problems."

Attorney Frank Doherty, of Hale, Skemp, Hanson, Skemp & Sleik in La Crosse, agrees that a solid working relationship can make all the difference. "Good, open communication between lawyers and staff helps build trust and ensures that neither the lawyers nor staff members suffer any unpleasant surprises."

Joyce Neumaier, claims assistant



Thomas J. Watson, Marquette 2002, is senior vice president and director of communications at Wisconsin Lawyers Mutual Insurance Co., Madison. Contact him at Tom.Watson@wilmic.com.

at WILMIC, supports two attorneys. She says from a staff perspective, Doherty's approach makes life easier. "Communication is the key. It builds respect and trust and results in a satisfying working environment. Without those things, both sides suffer, and so does the work."

Katja Kunzke, WILMIC president and CEO, practiced law before joining WILMIC and ran the company's claims department for 14 years. She says organizational skills are very important. "Calendar, conflict checks, file management, and other office procedures are not areas of expertise for most lawyers. But they are just as important as knowing the law and legal strategies."

Letting employees focus on those things allows lawyers to focus on preparing for hearings and trials, developing cases, and maintaining client relations, Kannenberg says. "It can really improve the quality of lawyers' work – including preparing documents and exhibits, managing their schedule more effectively, and maintaining good client relations."

So what skills and responsibilities should lawyers entrust to staff? Kannenberg's list includes:

- handling case management duties, such as opening and closing files, preparing fee agreements and other forms and letters, and ordering certified medical records, bills, and other documents;
- proofreading;
- handling phone calls, including returning calls for the lawyer when the lawyer is unable to do so on a timely basis;
- docketing and schedule maintenance;
- arranging meetings, depositions, court reporters, and travel;
- drafting legal documents for review by lawyers;
- drafting correspondence, answers to interrogatories, and other pleadings for review by lawyers;
- digesting and summarizing medical records, depositions, inter-

rogatories, and testimony for review by lawyers;

- organizing and indexing documents;
- conducting legal research;
- gathering and organizing information for hearings and trials;
- assisting during trials (for example, taking notes, handling exhibits, and digesting and indexing transcripts); and
- assisting with client relations and communications.

Client Relations

Good client relations are crucial. Communicating with your clients and understanding their needs and expectations can make your clients happy and your life easier and result in a successful practice. On the other hand, poor client communications often lead to malpractice claims.

Although there is no magic formula for good client relations, there are some things lawyers can do to prevent those relationships from going sour. Good client selection is at or near the top of the list. After that, being responsive and understanding the clients' goals

and expectations and making sure they understand yours become vital to the success of the case. The better you understand your clients, the better you are able to serve them, and a good employee can help you do that.

Kunzke says staff members sometimes have more contact with clients than attorneys do. "So they sometimes know before you do who the difficult clients are and what problems may be developing." That means your staff should not only be familiar with the client but also should be familiar with the case. "Staff cannot triage the information without knowing the client," she says. "Your paralegal or your legal assistant is really serving your client and you. Make sure they have the necessary information to help them do that effectively."

That means bringing in staff early, Kunzke says. "Involve staff in the initial client contact. The client will know that your staff is part of the 'A' team and is more likely to be comfortable talking with staff if you aren't available. Staff obviously can't give legal advice, but they can provide dates and other important factual information to the

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client. You won't have a client who feels you are neglecting the case. That feeling is sometimes what leads to unhappy clients and in the end malpractice claims."

Kannenbergs says involving employees as much as possible also has a positive impact on your office. "It builds staff morale and loyalty. Staff is motivated by challenges and responsibilities and feel job satisfaction when they become valuable members of the legal team."

Behnke adds another important element. "While keeping staff involved, make sure your staff understands the confidentiality rules. These cannot be stressed enough. I think fear of breach of confidentiality may be one reason why lawyers don't involve their staff more fully."

That's where good training comes in. Doherty says training doesn't

mean dropping work on someone's desk, hoping it gets done right, and then correcting things later. "It means taking the time to really sit down with your staff and going through each step on how you want them to gather, sort, and prepare files and other information. It takes more time on the front end but pays huge dividends in the long run. By helping them understand what you need, and why you need it, you can start to rely on the end product being exactly what you want and need. Poor training results in underutilization of staff and mistakes that sometimes get overlooked."

Retaining Good Employees


Finding the right person for the job is one thing, but keeping good staff people is equally important. So what makes a good staff person stay?

Competitive pay helps, of course. But other aspects of the job also can make a difference. Neumaier says, "It helps when the lawyer tries to understand [the employee] as a person and what is important to [him or her]. Schedule, including the possibility of flexible hours, transportation issues, office equipment, appropriate training, and the work environment all factor in."

Kunzke adds, "Sharing the goals of each client's representation and the issues affecting the accomplishment of those goals helps keep staff involved, interested, and able to provide meaningful assistance to both lawyers and clients."

Finally, Kannenberg says, lawyers sometimes overlook the fact that a good staff can result in business development for the firm. "Many staff people that I know are currently members of both professional and charitable outside organizations. They build relationships that often result in obtaining new clients for their firms. These organizations can also help staff become more educated, better trained, and ultimately, better employees for the firm."

Conclusion

Any lawyer would agree that finding the "perfect" employee is not easy. You need to find someone who is trustworthy, understands the firm and its goals, can work with clients as well as with you, has good organizational skills, and fits in well with your working style. You need to know what you want, and you need to understand the employee's expectations for the job, too. Simply filling the position and hoping for the best doesn't work for either the attorney or the staff member. Focus on getting someone with the skills you need in the office. As Kunzke says, "Someone who brings in banana bread is nice. But good judgment, common sense, and good organizational skills are necessities. And so is good training." 

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