How — and When — To Form and Manage Committees for Results

By Alan R. Olson

Many law firms go through a period in their evolution characterized by a proliferation of committees.

- Need to hire lawyers? Let’s form a recruiting committee!
- Need to monitor our work in process and accounts receivable? Let’s form a billing committee!
- Need to improve our marketing? Let’s form a marketing committee!

For a law firm, each of these actions may be appropriate and necessary. Nevertheless, the number and variety of problems being addressed by law firm committees is staggering. Except for the widely utilized executive and management committee concept, and committees engaged in compensation determinations, many of the permanent committees in law firms should be temporary or non-existent.

This discussion addresses how to form committees, when to form committees and how to manage committees for results.

Committees Are Vehicles

Law firms are committee-oriented. Firms are owned by individuals and divided into groups (partners, shareholders, members, associates, law clerks, etc.) that lend themselves to a committee structure. Without restraint, committees tend to proliferate.

In some law firms (as in other organizations), formation of a committee has come to be viewed as a solution to a problem — an end in itself. Although “Let’s form a committee!” uttered near the end of a lengthy meeting can resemble a solution, those in attendance should consider that the formation of a committee is probably what led to the lengthy meeting in the first place.

Of course, on reflection, we know that a committee is a means to an end — a vehicle to reach solutions — not an end in itself. In fact, sometimes a committee is not even the best vehicle, in which case, the phrase “Let’s form a committee!” can be the death knell of a good idea.

Many of the committees formed to be solutions in themselves do not have a defined purpose, do not remember their purpose, or are staffed by people who are not interested in the purpose. Not surprisingly, follow-through does not occur, in part because the why, what and how questions behind formation have been assumed, rather than answered.

When to Form Committees

Before a committee is formed, the managing partner, executive (management) committee or other enabled group should ask:

- Is a committee the right vehicle for the job at hand?
- Can an existing committee handle it?
- Will a new committee conflict with an established one?

In general, committees are good vehicles for the following kinds of activities:

- fact-finding
- soliciting diverse opinions
- spreading or sharing power and responsibility
- making decisions or recommendations where diversity or a representative cross-section is necessary to ensure broad-based support
- making simultaneous use of different individual talents, experiences and expertise

Committees are usually not good at implementing and following through. Group
implementation is circuitous and inefficient. Individuals, not groups, implement. Implementation involves scheduling, coordination and completion of a series of activities. While initial scheduling and coordination can be agreed to in a group, on-the-job coordination and completion of tasks must be done by individuals.

When a committee is charged with implementing a program, the committee’s activities should involve:

- deciding what tasks and activities are involved;
- delegating those tasks to individuals; and
- monitoring implementation (actually, a chairperson does this better).

Without a division of labor, the result will be unnecessary steps, delays, misunderstandings and friction within a committee or between a committee and the rest of the firm. If a committee tries to follow through as a committee, its operations will likely be cumbersome, inefficient and expensive — if the committee succeeds at all in completing its mission. Alternatively, if individual committee members try to advance the initiative, frictions and finger-pointing inside and outside the committee may develop.

The following are examples of tasks sometimes delegated to committees that would probably be better handled by individuals:

- managing practice groups or departments
- managing a client relationship or client team
- coordinating the completion of a new addition to a law firm’s office building
- coordinating an open house for clients and referral sources

- drafting policies and documents (as opposed to conceptualizing, reviewing or approving draft documents)
- managing a timetable for a law firm’s new marketing plan

Delegating responsibility for implementing a task to an individual does not mean that other people won’t be involved, or that a committee won’t be involved at an appropriate level. The individual coordinating the new office addition will draw on others’ expertise, make regular progress reports and be accountable for results. When one person is delegated to draft a policy, a committee could set parameters, delegate the drafting of other sections to other people and be responsible for reviewing the resulting document. While one lawyer or marketing director may be in charge of a law firm’s marketing program, critical decisions and expenditures will be reviewed by a marketing or management committee, and progress will be subject to review.

**How to Form an Effective Committee**

To form an effective committee, the following matters should be considered prior to formation. This will reduce the number of poorly-conceived committees and improve the performance of those that are formed.

**Establish the committee’s functions, role and mission** —

To be effective, a committee needs to know why it has been formed, what it is supposed to accomplish and, roughly, how. The more simply and specifically this can be expressed, the better. A simple written statement describing the role or mission of a committee will be easier to understand, remember and implement. It will let the committee keep its focus and recognize when it is accomplishing its role.

**Establish deadlines, target dates and timeframes** —

Committees should operate with time commitments that are realistic and responsive to the needs being addressed. Ad hoc committees formed to complete a project or to reach a recommendation should be given deadlines for completion. Even standing committees with ongoing responsibilities should be given specific deadlines, target dates and timeframes whenever possible.

For example, a recruiting committee with a responsibility to finalize its recruiting and travel schedule two months in advance of interviews will be likely to follow through and be prepared. A committee that waits to see who is available to travel is unlikely to be prepared and may miss some of the trips.

**A committee’s size should fit the task, with a bias toward small** —

The size decision is often made based on perceptions as to “typical” committee sizes, rather than what a particular committee’s role, functions and mission might indicate. Persuasive arguments support keeping committees small. In general, smaller committees are easier to manage and hold accountable. Logically, and depending on the size of the job, smaller committees also tend to function more rapidly, efficiently and cost-effectively than larger committees.

When a committee is formed to share power, represent diversity, etc., efficiency arguments are offset by other needs. Nevertheless, even when such considerations exert pressure for broadening a committee, a balance should be struck between keeping the group large enough to be representative and small enough to be efficient.

Committee members should be committed, results-oriented, and selected by attributes —

A committee’s work product will

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reflect the attributes of its staffing. If committee members are people who usually follow through as individuals, the committee is likely to follow through.

A committee whose members seldom follow through as individuals will not follow through unless additional staff is devoted to the task. Even then, the committee may not follow through enough to yield tasks for staff to implement. A committee being chaired or managed by the most disorganized lawyer in the office (because he or she has extra time) will probably be disorganized and ineffective. A committee comprised of people who don’t care about the problem, function, or mission will be apathetic.

How to Manage Committees for Results

Establish sunsets —
Ad hoc committees should have planned ends. Unless a committee is clearly a standing committee with an ongoing function, it should be expected to have a “sunset” — that is, it should complete its mission and disband, freeing its members for other activities. At time of formation, the presumption in most circumstances should be that a committee is ad hoc rather than permanent. This will avoid proliferation.

Committees should be held accountable for results —
Just as individuals who are delegated responsibilities and tasks should be held accountable, so should a committee. If a committee is tardy or ineffective, the reasons should be determined. If a committee lacks direction, the mission should be examined and clarified. If energy and commitment are lacking, a committee can be reconstituted all or in part, with individuals willing to push harder.

When a committee is paralyzed by personality clashes, it should be reconstituted in the same manner as a committee unwilling to work. Probably the toughest case is when a committee is deadlocked over a substantive issue central to its mission.

Other Management Tips for Successful Committees —
• At the outset of each committee meeting, review the committee’s function, role and mission. In an ad hoc committee, this should be followed by a summary of progress made to date, in a standing committee, by a status report.

• Make ongoing determinations of what is within the scope of the committee’s mission and what is not. When a decision or activity is judged not to be in the committee’s scope, but needs attention, decide specifically where to send it and do so promptly. If a committee’s mission will be held up by this ancillary issue, set a time limit on getting a result. If no decision is forthcoming, the committee should consider making the decision itself or disbanding.

• Repetitive decision-making is like déjà vu — the feeling of making the same decision over and over again — and then returning to it at subsequent meetings. When a decision has been reached, write it down and convert it to action planning. Unless there has been a material change, don’t go back to pre-decision discussions.

• Do not reach no-decisions lightly. Many committees will table decisions for lengthy periods, in effect making a decision by postponement. It may be acceptable if the committee is consciously, affirmatively choosing a no-decision course. Otherwise, if it is the committee’s job, make the decision.

• Try to reach precise decisions and express them simply. Vague, imprecise, incomprehensible or rambling decisions are difficult to understand and implement.

• Try to decide the usual case, and then look at the exceptions. Especially with lawyers, looking at and listing the exceptions before the rule often means never getting to the rule.

“...a ‘bias for action’ has been shown to be an attribute of the best-run organizations.”
For each decision, determine a next step or series of steps. Whenever possible, assign an individual and a timeframe for completion of each step. At the close of the meeting, summarize the steps, people involved and timeframe.

The Role of the Chair

In general, a committee is as good as its chairperson. The chair must be firm in keeping on course, in limiting the amount of discussion, and in ensuring that all committee members who wish to have a say also have the opportunity and that meetings are of reasonable length.

A chairperson must also be willing to change committee personnel when individual members become unproductive because of lack of attendance or for other reasons.

Conclusion

Committees have an important role in law firm management. In many firms, however, committees have been overused or not properly used. Formation of committees should often be partially replaced by delegation to individuals. Ad hoc committees should often be formed instead of standing committees. Finally, using proper considerations and techniques in formatting and managing committees will enhance their effectiveness and hold down costs.

Alan R. Olson is a principal of Altman Weil, Inc., working out of the firm’s Midwest Office in Milwaukee. He can be reached at (414) 427-5400 or aolson@altmanweil.com.