

# THE ART OF DELEGATING LEGAL WORK

By Norman K. Clark and Alan R. Olson

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Few things sap profitability and efficiency from law office operations more than having the wrong people doing the wrong legal work. In some law departments and law firms where Altman Weil, Inc. has worked, we have observed as much as 25% of a senior attorney's time spent performing tasks that junior associates or paralegals could perform just as well, and at significantly lower cost. The impact on cost-effectiveness (in law departments) and profitability (in law firms) is subtle, but it can add up quickly. Consider the following simple example.

A partner charges \$200 per hour, and bills 2,000 hours per year. If 10% of her work can be performed competently by a paralegal, that totals 200 hours per year, or \$40,000 in fees. If the partner delegates this work to a paralegal, charging \$100 per hour, that frees her calendar to take on another 200 hours at her standard rate. The firm loses \$20,000 when the rate on the original 200 hours drops from \$200 to \$100; but it gains back \$40,000 from the "new" work that the partner can now perform.

Cascading the work down to the least expensive competent level in the firm increases productivity and profitability. It also makes life easier. The intangible effects of poor delegation can also directly impact the bottom line.

## **Poor Delegation Hurts Everyone**

Many of the worst management and organizational weaknesses that we have observed in law firms and law departments can be traced directly to poor delegation skills. Lawyers who have not learned the art of delegation find themselves under constant pressure to meet seemingly impossible demands. Roles and responsibilities become confused, resulting in some work getting done twice while other tasks slip through the cracks. Inequitable workloads and inefficient use of time cripple efforts to improve. Micro-management, at one extreme, and abdication of responsibility, at the other, are frequently confused with effective delegation.

The consequences are even worse for managing partners and supervisory attorneys. They find themselves working excessively long hours over seemingly petty details. They leave the office late, usually carrying a fat briefcase, and return the next morning still far behind in their work. Subordinates are quickly perceived as the cause of all their problems. Any attempts at planning or goal-setting are quickly sacrificed to crisis management. The end result can be a dysfunctional organization, led by harried, disillusioned lawyers and managers, and staffed by junior attorneys, paralegals, and clerical staff who see little satisfaction and even less future with the firm or law department.

## **Lessons From Delegation Artists**

We see strikingly different characteristics in law departments and firms that practice the art of delegation. When effective delegation strategies and techniques are used throughout the organization, the effect is felt by everyone. Individuals—attorneys, paralegals, and clerical staff alike—display increased confidence in their own competence and in that of their colleagues. The continuous development of initiative, skills, and knowledge at all levels produces a high level of job satisfaction. By “letting go” to the extent necessary for delegation to work, senior attorneys and managers find that their leadership influence and personal effectiveness actually increase.

These personal benefits quickly spread throughout the organization. Law offices that practice the art of delegation are the ones that use resources to best advantage and are most responsive to client needs. The art of delegation is a catalyst that allows law firms to turn enhanced efficiency and productivity into distinct competitive advantages. It allows law departments to enhance their perceived value to their internal corporate and government clients.

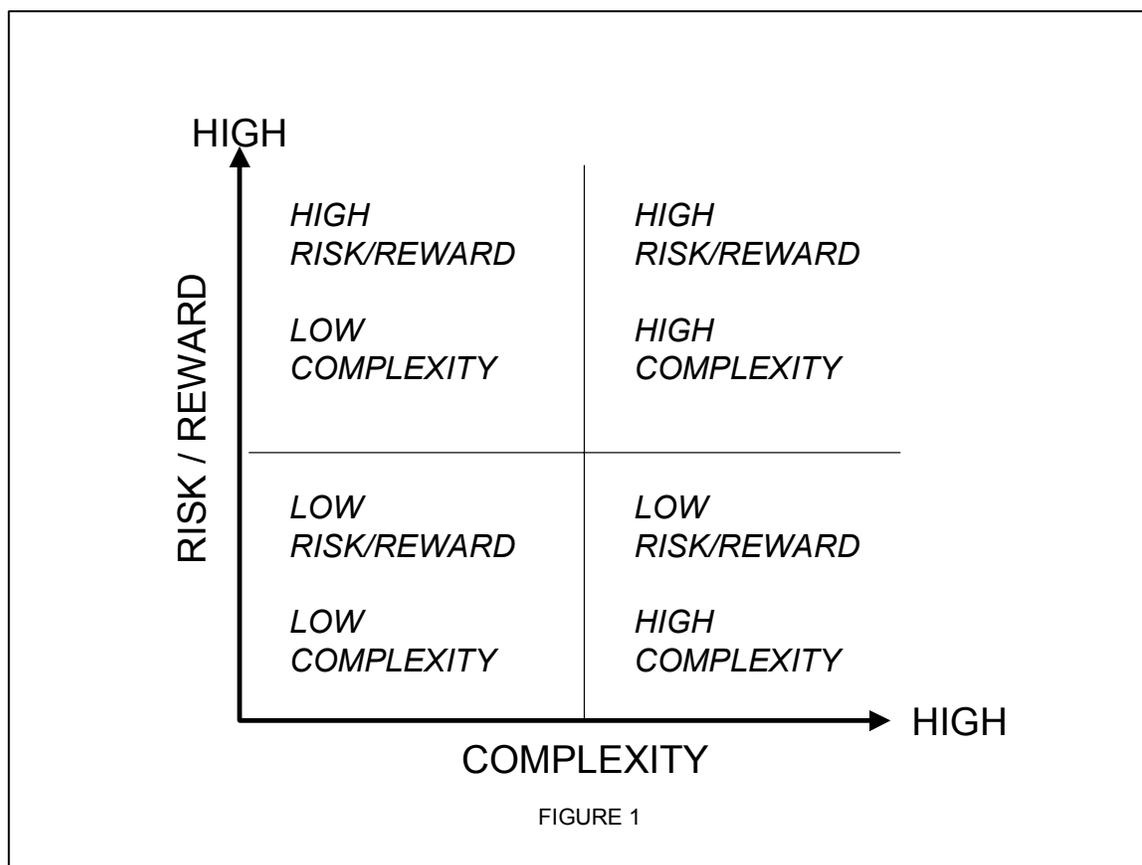
### **Step 1: Identify the Right Work**

Most lawyers know about these benefits already. Many of them—in law firms and law departments alike—tell us that they know that they spend too much time on work that could be done by someone else in the firm or law department. One of the most common laments we hear from senior attorneys is usually, “I’d love to delegate some of my work, but it can’t be delegated.” They do not know how to select work that can be safely delegated, how to pick the right person to do it, and how to manage the delegation through to a successful conclusion.

Delegation has a simple goal: Have the work performed at the “lowest” (*i.e.*, least expensive) level that is competent to meet the client’s needs. Finding that right level—both in terms of the work that can be delegated and the person who is competent to do it—is frequently challenging. Where should one start?

### **The Delegation Matrix**

One way to begin is to mentally organize one’s legal work along two dimensions: risk/reward and complexity. Understanding the risks and rewards of each piece or type of legal work, as well as its complexity, will quickly suggest which work can be delegated and which should be kept.

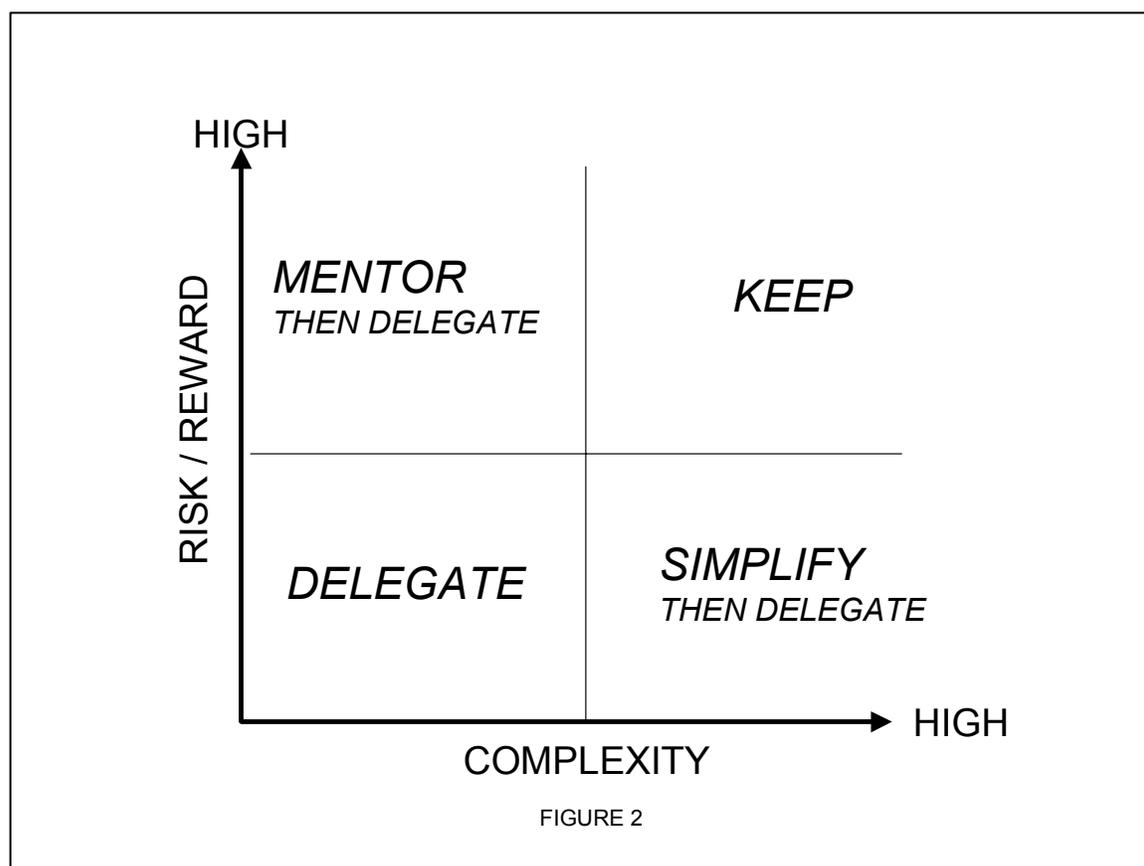


In Figure 1, the vertical axis measures the risk/reward involved in the case or matter. How important is it to the client? How serious are the consequences of unfavorable results? The horizontal axis measures the complexity of the tasks required to deliver the legal service or product.

Once we understand where a particular case or matter falls within the delegation matrix, we also understand whether, and to what extent, the work can be delegated. The delegation matrix also points out possible opportunities to transform non-delegable work into delegable work through process re-engineering.

Figure 2 displays the presumptions that apply to the work in each quadrant of the delegation matrix. These are rebuttable presumptions, but they provide a starting point to determining whether a particular piece of legal work can be delegated, and, if so, to whom?

**High risk - high complexity.** This is the work that probably cannot be delegated. It requires the experience or specialized expertise of a senior attorney. Delegating it may run the risk of malpractice; however, as noted below, there may be specific functions or tasks that can be delegated appropriately.



**Low risk - low complexity.** This is the work you should delegate. Having it performed at a senior level adds little value to the client.

**High risk - low complexity.** This work can be assigned to a junior attorney or paralegal, but only under supervision. The tasks involved are relatively simple, although the stakes are high. This is the type of work that is ideal for mentoring, and absolutely essential for the professional development of your junior colleagues.

**Low risk - high complexity.** Rather than trying to delegate this work, or trying to do it yourself, try to reengineer the work to simplify it. Once simplified, it can be moved from the low risk - high complexity quadrant down to the low-risk/low-complexity box. Then it can usually be delegated.

There are a number of ways to “slice and dice” legal work using the delegation matrix. If a type of work falls into the high-risk/high-complexity quadrant, many law firms and departments mistakenly assume that none of it can be delegated. Instead, even high-risk work should be broken down into its major processes, such as matter intake and discovery, and evaluated. High-risk/high-complexity matters will often have low-risk and/or

low-complexity functions that can be safely delegated to junior attorneys and staff under adequate professional guidance and supervision. Don't overlook delegation opportunities in high-risk legal work. They can frequently slash the internal costs of producing legal services, thereby improving profitability.

## **Step 2: Understand the Obstacles**

Even if legal work appears to be appropriate for delegation, there still may be formidable obstacles to overcome. These will usually have to be confronted and overcome before truly effective delegation can take place. Ignoring them will often result in a spectacular failure of delegation, which could set the firm or legal department even further back.

**Organizational Obstacles.** Many law firms and departments are simply not organized to promote efficient delegation of significant tasks. This happens most frequently when the organizational structure bears little resemblance to the way the work actually flows through the organization. This is more common in highly-structured law departments, particularly in government agencies, but it can occur in law firms as well. The most "natural" or obvious delegation may be blocked simply because there is not a solid line between the senior attorney and the person to whom the work is to be delegated.

Uncertain or non-existent lines of authority and accountability may also inhibit the practice of the art of delegation. Who will ultimately be responsible for quality, responsiveness, and professional competency? Who will be accountable to the client? Many lawyers are justifiably reluctant to delegate legal work when accountability is not a part of the organizational culture.

Other organizational barriers may include the lack of any incentive, especially in the compensation structure, to delegate work, as well as weak management information systems required to track the completion of the work. In summary, some law firms and departments don't delegate because they lack the organizational infrastructure to make it work.

**Managerial Obstacles.** Managerial barriers involve more than just distrustful supervisors or an outmoded philosophy that "the captain goes down with the ship." In some instances, supervisors may lack confidence in their subordinates' capabilities. More frequently, this lack of confidence may be the result of inadequate training and infrequent opportunities to develop professionally.

Managerial obstacles tend to go to one extreme or the other. Some managers honestly believe that they are delegating work, but their subsequent micro-management of the task weakens confidence rather than inspires it, and usually results in their spending more time and effort with the task than if they had done it all themselves. It's no wonder that these managers rightfully believe, "It's quicker to do it myself." The way they delegate, it really is.

Other managers go to the opposite extreme, and confuse delegation with abdication. As a result, they “delegate” work without any agreement on the goals of the task, the client’s expectations in the product or service that will ultimately be delivered, or performance standards or guidelines. Sometimes these shortcomings result from merely failing to convey a critical piece of information. These mistakes are usually compounded by a failure to set up milestones and follow-up procedures for the assignment. When the resulting work is substandard, it is no wonder that these managers lack confidence in their subordinates. It is substandard, but because the managers failed to provide the guidance and resources required to do the job correctly.

**Personality Obstacles.** Delegation is a team effort, and personality obstacles can cripple the senior and the subordinate alike. Lack of self-confidence, unwillingness to take necessary risks, fear of criticism, and a desire for perfection can discourage both parties. One of W. Edwards Deming’s Fourteen Points of Total Quality Management was to drive fear out of the workplace. This fear can be paralyzing in law firms and departments.

**Situational Obstacles.** Client desires and expectations can pose special challenges to effective delegation. Some clients expect that their matters will be handled entirely by partners. They sometimes can be shown the cost advantages of delegating work to junior attorneys and paralegals, as well as the quality assurance systems that the firm has in place to ensure adequate professional supervision and consultation. The need for a fast response may make delegation appear too time-consuming and cumbersome. Finally, the “if it ain’t broke, don’t fix it” mentality can blind senior attorneys to new opportunities to improve performance, productivity, and profitability.

### **Step 3: Manage the Delegation**

Even when appropriate work is delegated to the appropriate person, delegation can still turn to disaster if the two parties fail to take the time to manage the delegation. Both parties need to agree and clearly define, at the outset, issues such as:

- Are there any specific tasks that must be performed, or any issues that must be addressed?
- Are there any areas that are “off limits”?
- What performance standards or measurements will be used to evaluate the quality of the work?
- What opportunity will the junior person have to receive feedback on his or her work?
- Does the senior person want to see a draft, the finished product, or merely a report when the work is done?

- When is the work due in its entirety?
- What are the major steps in the work, and when should each be completed?
- How often does the senior person want progress reports?
- What problems will the junior person have authority and responsibility to solve himself or herself? What ones should be referred to the senior person?
- Who will be primarily responsible for communications with the client, with other members of the firm or law department?

Up-front management of issues such as these will help avoid two of the strongest objections to delegation. There will be less need for the continual questions and requests for guidance that can lead managers to believe that delegation is more work than it is worth. By knowing the expectations and limitations beforehand, the person performing the work is less likely to feel micro-managed, because he or she will tend to view the manager as a resource, and not a meddler.

### **The Lawyer as Artist**

Delegation does not come easily to many lawyers. By training and experience, we value independence and attention to detail, and we have a strong internalized sense of individual accountability for the professional competency and quality of our work. The art of delegation of legal work provides us strategies and methods to select the appropriate functions and tasks that can be safely delegated. It allows us to assign them to people in our firms and law departments who are competent to do the work, thereby extending our own capabilities and freeing our calendars for higher-value work. Finally, the art of delegation also allows us to manage the work in a way that is consistent with our commitment to our clients.

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#### **About the author:**

Alan R. Olson is a principal of Altman Weil, Inc., a legal management consultancy. Contact Mr. Olson at 414-427-5400 or email [arolson@altmanweil.com](mailto:arolson@altmanweil.com).