



James Wilber

Best Practices of City and County Civil Law Offices

By James Wilber

Editor's Note: This article is written especially for our subscribers from government law offices. We thought our law firm and corporate law department subscribers would find it interesting as well.

Those responsible for leading law departments of government entities face challenges in managing their legal staffs and departments — along with outside counsel — effectively. At Altman Weil, all our consulting is to law offices and legal organizations, of course, including years of experience consulting to federal, state and local government legal agencies. Over the past three or four years alone, our consultants have helped agencies such as the Legal Department for the City of Houston, the Corporation Counsel's Office for the City of Chicago, the Philadelphia City Solicitor's Office, the Los Angeles County Counsel's Office, and the City Attorney's Offices of Oakland, California and San Antonio, Texas. In such offices we see the pressures and challenges of practicing law in

a high volume environment, with a limited budget, where there is a tremendous amount of public scrutiny.

Based on the work we have done with city and county civil law offices, we have identified promising management reforms implemented by these public entities. This article will highlight these best practices.

Best Practices

The best practices for city and county law offices are based in part on practices employed by effectively-managed private sector firms, including (profit) corporate law departments. These best practices are presented for the following issues: Client Service, Organization, Productivity, Outside Counsel and Technology.

Client Service — The best practices related to the overall quality of legal services include the use of client satisfaction surveys and automated work-tracking systems. In addition,

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Table 1
Best Practices for City and County Law Offices — Client Service

Issue	City and County Law Office Best Practices
Client satisfaction	<ul style="list-style-type: none"> ✓ Clear commitment to client satisfaction as the top service priority; ✓ Formal, systematic and regular client satisfaction assessment (e.g., by way of biannual, comprehensive client surveys); ✓ Careful analysis of client satisfaction surveys to determine opportunities for improving services and client communications ; and ✓ Use of client needs data to generate specific performance measures.
Timeliness & responsiveness	<ul style="list-style-type: none"> ✓ Pervasive commitment to timeliness of legal services and responsiveness of lawyer and support staff, including use of performance measures; and ✓ Use of an automated work tracking system that logs all new service requests, notifies client as to the responsible person and expected completion date, and enables management to monitor work timeliness and status.
Other	<ul style="list-style-type: none"> ✓ Sufficient interaction of lawyers with client business and operational issues to become effective advocates on legal matters; ✓ Constant encouragement of lawyers to identify creative solutions to client problems, where “no” is the start of the creative legal process rather than the end; and ✓ Physical location of counsel in the client department’s office where the volume of work so justifies (the lawyer would continue to report through the legal department organization to the Chief Legal Officer).

Table 2
Best Practices for City and County Law Offices — Organizational

Issue	City and County Law Office Best Practices
Structure	<ul style="list-style-type: none"> ✓ A matrix structure grouping lawyers by subject-matter orientation for supervision purposes and program-centered orientation for client purposes; ✓ Clear assignment of department counsel to heavy users of legal services where the department counsel coordinates legal resources in support of that department; ✓ A flat organizational structure with minimal management lawyers required for the smooth functioning of the law department; and ✓ Assignment of all support staff (everyone but lawyers and paralegals) to a skilled law office administrator for all non-case matter purposes.
Work assignment & supervision	<ul style="list-style-type: none"> ✓ Appropriate and efficient delineation of lawyer, paralegal and clerical work; ✓ Continual reassessment and reengineering of lawyer, paralegal and clerical work and resultant readjustments of staffing mix; ✓ Clear distinction of functions that must, by law or custom, be handled by the Chief Legal Officer, from those that may be delegated; ✓ Availability of supervisors to assist subordinates with day-to-day matters; and ✓ Close supervision of legal work via regular, face-to-face file reviews.
Compensation & promotion	<ul style="list-style-type: none"> ✓ Lawyer compensation levels that, at a minimum, are competitive with comparable positions in other government law offices in the same area; ✓ Periodic use of salary and benefit survey data to gauge the market competitiveness of lawyer compensation; ✓ A dual-ladder career path (i.e., management or formal recognition of the achievement of extensive subject matter expertise); and ✓ Visible rewards for employees with superior client satisfaction ratings.
Professional development	<ul style="list-style-type: none"> ✓ Regular monitoring of each lawyer's annual continuing legal education (CLE) credits to ensure that no legal licenses are jeopardized; ✓ Ample time and funding for lawyers to meet CLE requirements; ✓ Continuous client satisfaction training; ✓ Training lawyers and paralegals regarding sound timekeeping practices; ✓ Sufficient training for managers and supervisors (e.g., work delegation); and ✓ Effective use of computer-based training (CBT) and Web-based training (WBT). Other modern human resources practices (e.g., performance appraisal and mentoring); ✓ Effective, cross-division communications between lawyers and staff to overcome the <i>silos effect</i> inherent in a law office with several internal divisions; ✓ Informal, regular in-house meetings to discuss organizational issues; and ✓ Technology committee to define technology needs and drive technology initiatives.

well-run legal departments encourage their attorneys to find creative solutions to client problems rather than merely stating why some action cannot be taken (see Table 1).

Perhaps the most significant advantage inherent in an in-house staffing model is the ability of the organization's lawyers to add value to the client through their intimate familiarity with the operational affairs and legal issues of their clients. Best practices need to help the organization achieve that over-arching goal.

Organization — Best organizational practices for city and county law offices include a flat matrix organizational structure, an empowered (non-lawyer) legal administrator, effective utilization of paralegals and support staff, competitive lawyer compensation and continuous professional development (see Table 2).

Compensation, a major issue in most public sector law offices, bears directly on the frequency of turnover and the ability of the law office to attract and retain the legal talent it needs to deliver high quality services to the government entity and the citizens it serves.

Productivity — Best productivity practices for city and county law offices include lean management, strong paralegal support, effective caseload management practices and effective timekeeping systems (see Table 3).

The expenditure and staffing ratios are merely guidelines and need to be based on relevant benchmarks. The resource requirements of a city or county attorney's office may vary from one jurisdiction to another (and from one year to the next) depending on numerous factors.

Outside Counsel — Best practices for the use of outside counsel by city and county law offices include (see Table 4 on page 8):

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Best Practices ... continued from page 7

Table 3
Best Practices for City and County Law Offices — Productivity

Issue	City and County Law Office Best Practices
Staff Utilization	<ul style="list-style-type: none"> ✓ Lean management (e.g., no more than 0.10 to 0.15 management attorneys per non-management attorney); ✓ Lean support staff (e.g., no more than 0.50 legal secretaries per lawyer and no more than 1.1 total support staff per lawyer); ✓ Strong paralegal support (e.g., at least 0.25 paralegals per lawyer); and ✓ At least one dedicated technology staff member for every 30 to 50 end-users.
Caseload management	<ul style="list-style-type: none"> ✓ Monthly caseload reports (by attorney and case type) to monitor individual attorney case status and office-wide workloads; ✓ Caseload assignment methodology for lawyers and lawyer-supervisors based on case complexity and time demands as well as lawyer experience and training; ✓ Case performance measures for lawyers and paralegals (e.g., case volume by type, case handling time, and hours expended per matter by type); and ✓ Effective use of detailed timekeeping data with caseload reports.
Timekeeping	<ul style="list-style-type: none"> ✓ Recording of all lawyer and paralegal matter-related time by specific matter in appropriate time increments (tenths of an hour); ✓ Rigorous enforcement of timekeeping rules and timesheet procedures; and ✓ Use of time records (combined with caseload reports) to determine staffing needs and gauge lawyer and paralegal performance.
Efficiency	<ul style="list-style-type: none"> ✓ Average annual legal cost per attorney that meet relevant benchmarks; ✓ Average annual legal cost per resident that meet relevant benchmarks; ✓ Average ratio of residents per in-house lawyer that meet relevant benchmarks; and ✓ Average ratio of residents per total staff (lawyers and support staff) that meet relevant benchmarks.

Table 4
Best Practices for City and County Law Offices — Outside Counsel

Issue	City and County Law Office Best Practices
Planning & selection	<ul style="list-style-type: none"> ✓ A clear policy and objective criteria for identifying those matters best handled in-house and those best handled by outside lawyers and law firms; ✓ A competitive process, including selection criteria, for awarding legal matters to firms providing the most cost-effective services; ✓ Deployment of an outside counsel “convergence” program (i.e., designation of preferred providers in exchange for large discounts); and ✓ Portfolio referral/bid process for routine, high-volume matters.
Management & control	<ul style="list-style-type: none"> ✓ Formal guidelines (incorporated into every outside counsel agreement) governing how the work will be handled and payments will be made; ✓ Effective controls over the direction and cost of every outside counsel matter; and ✓ A formal system for assessing the performance of outside counsel and determining whether any future work should be referred to that lawyer or law firm.
Pricing	<ul style="list-style-type: none"> ✓ Systematic review of matters regularly referred to outside counsel to determine which matters should be priced on an alternative basis (e.g., fixed-fee) to hourly pricing; ✓ Policy requiring outside counsel to share alternative pricing arrangements offered by that lawyer or law firm to other clients; and ✓ Appropriate incentives to encourage outside counsel to reduce the cost of services and the time to deliver services.
Other	<ul style="list-style-type: none"> ✓ Ongoing training in managing outside counsel and reviewing invoices; and ✓ Staff specialist to serve as a clearinghouse for identifying best practices for monitoring and controlling outside counsel costs and service quality.

Achieving and maintaining an appropriate mix of inside and outside counsel is one of the greatest challenges facing city and county legal departments. Generally, city and county law departments should handle the most significant matters internally. A determination of significance should be based on established criteria (e.g., the monetary value or sensitivity of the matter). Exceptions may be made where practical considerations dictate otherwise (e.g., the inability to retain the requisite internal expertise). For significant matters referred to outside counsel, furthermore, the internal lawyers should retain the lead strategy role to ensure that outside counsel are effectively representing the government agency's best interests.

Technology — Legal technology has made great strides in recent years. The legal profession is developing cutting-edge solutions for tackling the institutional inefficiencies of a formerly notoriously paper-driven industry. Some of these best practices are exemplified by the technology initiatives summarized in Table 5.

Many law departments have initiated computer leasing programs to help control the costs of upgrading hardware and maintaining current technologies. While a phased replacement plan and pre-defined upgrade initiative may be more cost-effective for desktop computers, a leasing program may make more sense for laptop computers. A lease program would reduce the capital

outlays required for system upgrades, and ensure that the infusion of new equipment at regular intervals.

Conclusion

Learning of and from the best practices employed by other city and county law offices is an important component of effective management of one's organization. The best practices can be benchmarked against current operations to identify opportunities for improvement to the quality of the legal services being delivered by the lawyers and staff of the office. ♦

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Table 5
Best Practices for City and County Law Offices — Technology

Issue	City and County Law Office Best Practices
Planning	<ul style="list-style-type: none"> ✓ A short-term technology plan specifying approved software initiatives for the next 12 months, platform implications and resource requirements; and ✓ A long-term technology plan addressing emerging technologies, staffing and advanced training needs, and Internet/Intranet/Extranet strategies.
Matter management	<ul style="list-style-type: none"> ✓ A matter management system to organize and track critical matter data (e.g., matter descriptions, involved parties, assigned legal staff and financial data); ✓ A docketing and calendaring system to schedule key case dates (e.g., court dates and filing deadlines) and events (e.g., contract renewal, depositions and discovery); ✓ Entity management software to track outside firms, third-party vendors and clients, based on individual criteria or external relationships; and ✓ Reporting/ad-hoc inquiry capabilities including links with third-party report writers to extract management data from the system.
Documentation & litigation management	<ul style="list-style-type: none"> ✓ Document imaging to ease search and retrieval, facilitate document sharing and reuse, reduce storage needs and costs, and ensure document integrity; Software to link documents to a matter, event, invoice or entity and integrate with document management systems (e.g., PCDocs); and ✓ Litigation support system for organizing, analyzing and presenting evidence.
Financial	<ul style="list-style-type: none"> ✓ Financial management software for budgeting, accounting and billing; and ✓ Electronic invoicing system for processing invoices, uploading them into the matter management system and routing them for approval and payment.
Other	<ul style="list-style-type: none"> ✓ Internet and corporate intranets to maximize staff access to information (e.g., remote access from home, client site or courtroom); ✓ Voice recognition technology to enable lawyers to transcribe voice-recorded notes, commentaries, letters and depositions into electronic file documents; ✓ Mobile technology (e.g., personal data assistants and laptop computers) to empower mobile attorneys (e.g., interface with the matter management system); and ✓ Automated fax reception and transmittal system to automatically route faxes to their intended recipients and log basic information for each facsimile transmission.