

Consultants & The Small Law Office

By Nancy Byerly Jones, Author of the ABA's Best Selling Book, "Easy Self-Audits for the Busy Law Office"

Finally, you've decided you've ignored some internal office problems long enough. It's time to face the music and make some changes. You recognize that all your excuses to delay dealing with certain matters were just that - excuses perhaps borne out of denial and fear; denial that your firm does indeed have some chronic problems that refuse to fade away; and fear of the losses that may occur if you were to address the situation squarely and honestly (such as needed staff changes).

Courage And Honesty

It truly takes a great deal of courage and character to take a comprehensive and honest look at ourselves and our offices. We think and tell ourselves that we are just too darn busy to stop our worlds long enough to conduct a health check of our offices, to take better care of ourselves or to tackle some changes that are begging to be made. We rationalize that we'll address these things soon - perhaps next month. Yet, each "next month" quickly becomes six months, a year, two years or more.

Measuring The Damages Caused By Procrastination

There's no doubt we would be more willing to face our challenges if it were easier to quantitatively measure the damages that accrue due to chronic problems within our law firm. These damages may include: reduced productivity, increased stress for attorneys and staff, lower profits, higher number of disgruntled clients, more headaches and a dangerously active employee turnover rate. Without a "test team" in place for comparison purposes, it is extremely difficult to show the monetary losses caused by these things. There is absolutely no doubt, however, that firms large and small are pouring huge amounts of money down the drain each and every year due to the unwillingness of firm leaders to identify, acknowledge and repair the firm's profit and productivity leaks.

Getting An Office Health Check Cranked Up

OK, so let's jump on ahead with the following assumption: You can't absolutely prove all the damages being done by problem areas and unproductive or disruptive people in your firm, but you know the costs are accruing and you have decided you are ready to do something about it. Now where do you start and how do you ensure that you have a good plan in place?

First you have to decide who will be leading and conducting your firm's "health" check-up? Are you willing to set aside the needed time to do it yourself and if so, can you do so objectively? Can you fairly and objectively assess the strengths and weaknesses of an employee who grates on your nerves? If you are a bit of a holdout when it comes to using computers, will you be able to adequately and fairly assess the state of your firm's technology needs? If you answered no to any of these questions, are you ready to call in an appropriate non-employee third party to assist you?

Self-Audit Checklist

This particular column's primary focus is on tips for hiring outsider consultants to assist you. If, however, you prefer to "do it yourself" as they say, a partial checklist for getting started may include:

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- ◆ Locate the right self-audit tools to assist you in identifying your firm's weak areas.
- ◆ Reserve a specified time on your calendar to conduct the office check-up - and stick to it!
- ◆ Meet with all employees to explain the process, ask for their full cooperation and assistance.
- ◆ Analyze the results.
- ◆ Create an action plan which identifies each change you want your firm to make and which shows who has to do what by when in order to transform your goals into realities.
- ◆ Set up a trustworthy system for monitoring your implementation progress on a regular basis.

Consultant Or Not?

If you are willing to consider hiring a law office management consultant, here are a few of the pros and cons of doing so:

The Pros

- ◆ Professional consultants offer you unbiased objectivity as they carry no emotional baggage or ties with the firm.
- ◆ They bring to the process valuable experience gained from years of working as a consultant within the legal field and perhaps prior hands-on experience as a former attorney or manager of a law firm.
- ◆ A properly selected consultant has no obligatory strings attached to anyone in the firm.
- ◆ The truly professional consultants will shoot straight with you in a professional and courteous manner, but they will not sugar-coat their recommendations or otherwise have reason to conceal the real problem areas discovered within your firm.
- ◆ They bring with them tried and tested systems and procedures for conducting an office "health" check in an efficient and ethical manner without sacrificing quality.
- ◆ Consultants have the ability to help you explore many options including helping you to find the best and affordable solutions for your office vs. cookie cutter solutions that may be good choices for the firm across town but not for your office.
- ◆ They will help you with creating a successful plan for all follow-up work needed to help ensure your success in implementing the changes needed.

The Cons

- ◆ Popular and experienced law firm consultants are in high demand and their fees are not inexpensive.
- ◆ It will cost you a good amount of non-billable time to research, interview and select the right consultant for your office.
- ◆ There may be a waiting period before your firm can be worked into the consultant's schedule. This can be quite frustrating if you're ready to get things started as soon as possible. By commencing some type of self-audit program, you can start the process at any time of your choosing.
- ◆ A consultant must be made privy to the good, the bad and the ugly about your firm if they are to help you effectively. The process itself, therefore, is necessarily an invasive one.
- ◆ The truth truly can hurt and a good consultant will shoot straight with you. It can have a shocking and brutal effect on any thin-skinned participants.

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- ◆ A busy consultant will only tolerate so much procrastination and backsliding. They are busy folks with other clients waiting for their services in the wings. If you are unwilling to do your part to implement the changes needed, you cannot expect a consultant to do it for you. They can give you the ideas and "tools" that will fit your firm's needs. They cannot, however, make you stick to the plan. Long way of saying, don't waste your time and money on a consultant if you are expecting them to do all the work for you. It won't happen.

Hiring The Right Law Office Consultant Or Practice Management Advisor

If you do decide to retain an objective and experienced law office management consultant as many small firms do these days, please consider the following:

- ◆ Know what it is you want the consultant to do for your firm. For example, do you want them to: Make hardware and software recommendations only? Deal with employee matters? Help you analyze your financial affairs and make a budget? Create a strategic plan for the firm and/or a marketing plan? Assist with partner or employee disputes? Help you create an effective risk management plan and related systems for your office? Conduct workshops for attorneys and staff on such topics as ethics, client relations or effective communication techniques?
- ◆ Before commencing your search, know your budget restraints and limits but at the same time realize with law office consultants as with many other things in life, you will get what you pay for. If you want an advisor with an excellent reputation and a lot of experience, the fees will be much higher. They are in high demand and have proven repeatedly they are worth their salt to law firms. Long way of saying this is not where you want to base your decision solely on the monetary costs involved.
- ◆ Make sure the consultants you are considering have plenty of experience under their belts with small and solo law offices.
- ◆ Decide if you want your consultant to have mediation certification and/or skills. Many issues in today's law firm (e.g. unresolved conflicts between partners or other employees) benefit greatly from the guidance and assistance provided by an experienced mediator.
- ◆ If you are fortunate enough to have a bar association in your state that offers office management services, by all means check into what they have to offer association members. These programs often offer free or very low fee-based law office management services to members. Ask about the backgrounds and hands-on experience of the bar's practice management staff. Don't be fooled by the size and longevity of a program - it doesn't necessarily guarantee quality services. A small-staffed practice management program that has experienced and highly qualified staff members can be just as or even more effective than its larger counterpart on an individual law firm basis. Find out how much time the law practice assistance program has to devote to your firm and what types of services it provides. Can they block out more than one day or an entire week (or weeks) if you need them to do so for on-site work with your firm? Are they only available to you via telephone conferencing or the Bar's website services? Is that enough for your firm and will you have the self-discipline, time and needed leadership skills to follow through on their advice if they are unable to actually offer you on-site, hands-on type services? Do they have the ability and tools to accurately and comprehensively assess your firm's specific office management needs or is their advice to you more of a generic nature which they would give to any other firm of your size? If so, ask to speak to other bar members who have previously used their services. Ask

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those folks if the bar association's practice management advisor was resourceful in giving you plenty of options regarding third party resources, helpful website links and the like. Also ask if the advisor was perceptive and quick to understand the mechanics of working within a small law office. How quickly can they respond to you when needed after your initial work together? Can they also help you create an action plan that will map out what steps you need to take to successfully (and on a timely basis) implement any changes they may have recommended?

- ◆ Obtain former client references from prospective consultants and check with several of them.
- ◆ Make sure your consulting candidates can effectively, respectfully and clearly communicate with everyone in your firm from the senior attorney to the part-time runner.
- ◆ Take whatever time is necessary to find the right consultant for your firm!
- ◆ Consultants come in all shapes and sizes including all levels and kinds of experience and expertise. Decide whether it's important to you to have a consultant who has also practiced law and/or managed a firm similar in size to your office. No matter how many lawyers a consultant may have worked with through the years, but who is not a lawyer his or herself, you may be of the mindset that hands-on experience is still the best teacher. If you are hiring a consultant merely to teach you about legal software options then that factor may not matter so much. If, however, you are hiring a consultant to do on-site work such as strategic planning with you and your partners or to give you guidance on client selection for example then their having practiced law previously is definitely a huge plus.

Working With Your Consultant

- ◆ Understand that consultants do not have magic wands to change your or someone else's personality or to zap your office instantly back into better shape. It truly takes a team effort and a heavy dose of endurance as most changes worth making do not happen overnight.
- ◆ You will need to be totally forthright in disclosing firm issues. You may have feelings of intrusion to surface within you when an "outsider" is made privy to your law firm "monsters." These feelings can be awkward and uncomfortable, but assuming you have hired the best consultant for your needs, you can rest assured that confidentiality will be protected and more importantly, respected by the consultant.
- ◆ You must be willing to allow the consultant to talk privately and confidentially with each and every firm member and employee without cross-examining them about what they shared with the consultant (I actually caught a partner once outside the interview room with his ear pressed hard against the door in an attempt to eavesdrop on my private discussions with one of his employees).
- ◆ Every partner must wear invisible "thick skin" suits when receiving the consultant's feedback and recommendations (e.g. attend the sessions with the intention of learning all that you can vs. being totally defensive to anything and everything recommended).
- ◆ Each attorney must be totally committed to seeing the process through to a successful completion which extends far beyond your initial work with a consultant. No matter how good a certain change may be for us or our firms, change is still difficult, frustrating at times and time-consuming. There are learning curves with which to struggle, non-billable time commitments to make and a tremendous amount of patience and a good sense of humor are required throughout it all. If even one of the firm's attorneys or employees demonstrates a sourpuss attitude toward the efforts being made, it will poison the entire process. Worse, an attorney's negative attitude and lack of effort will set the wrong kind of example for staff members to see and follow. Bottom line is:

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DO NOT SPEND ANY CONSULTING DOLLARS UNLESS YOU ARE GENUINELY AND TOTALLY COMMITTED TO STICKING IT OUT THROUGH THE ENTIRE PROCESS WITH A POSITIVE ATTITUDE SECURELY IN PLACE!

There is so much more that can be said about the pros and cons of working with consultants and how to make it a successful relationship if you go that route.

Obviously I am biased because I have had the great privilege over the years through my consulting work to experience and witness many small firm success stories.

For most small firms, however, working with a consultant is a brand new and somewhat scary option to consider. The long-term personal satisfaction and financial benefits, however, of working with the right outside third party are far-reaching and ongoing. When you are receiving on-going benefits from the process for years to come, your expensive consulting dollars suddenly become mere cents a day and quite invaluable from that perspective.

You may decide that a self-audit process works better for you. It does not matter whether you do it yourself via a self-audit process or whether you invite a consultant to help you strengthen your firm's efficiency and productivity, increase profits and decrease stress.

What matters is that you refuse to put your head in the sand when it comes to facing the areas and people needing attention in your office. No law office is perfect and it is critical that we stay in tune regularly with the "state" of our firms on a regular basis.

If we fail to do so, at least we should agree to quit complaining about our law firm headaches and re-occurring problems as long as we are unwilling to face them head-on. However, if we are willing to extend the efforts needed to maximize our firm's potential and to minimize the obstacles standing in our way to success, our firms and our individual quality of lives will benefit each and every day.