

DELEGATION DYNAMICS

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“Many hands make light work.”

- John Heywood

Most agree with the general concept that more work can be accomplished by a team than by an individual working alone. Most organizations (including law firms) have one or more employees in place whose purpose is to assist in carrying out its mission under the direction of leaders and managers.

An effective manager focuses on the highest and best utilization of the organization’s most valuable resource - the talent pool. He or she is capable of leveraging his or her own talents by delegating projects and tasks to strong attorneys and support staff members. By relying on others, he or she* has more time to devote to other high-leverage activities such as strategic planning, project design, implementation of key initiatives, and ensuring that operations are running smoothly. Attorneys who have mastered delegation skills will find more time to devote to professional and business development as well as higher level legal matters or may even relax a bit more.

Certainly that is the ideal. However, the reality is that most could benefit from a reminder of the elements involved in effective delegation. If you are carrying a crushing caseload or have projects on your agenda that you can’t seem to find the time to implement, learning how to involve other attorneys or staff from the beginning may help you pave the way for increased productivity and profitability overall. For example, if you typically wait until the last minute to answer interrogatories, you may benefit from assigning responsibility for the first draft to another professional - immediately upon receipt of the interrogatories.

This article outlines the fundamentals of the delegation process, explores the syndrome of “Delegation Reluctance”, identifies typical unproductive behaviors in this context and ultimately challenges the reader to implement the suggestions that follow.

Setting the Stage

Lawyers and staff alike can most easily thrive in an office culture based on open communication and interchange. The most effective delegations take place in this type of atmosphere.

Readers who are employed by law firms or legal organizations with established human resources policies are fortunate because most of the suggestions set forth in this section are probably in place. However, many smaller offices do not have an HR professional on staff and consequently have undeveloped or long forgotten formal policies and procedures. Most of us could also benefit from improving our communication skills in this context. The following simple foundational tools can provide structure and support for an atmosphere conducive to productive delegation and are applicable to law firms at large as well as individual departments.

Organizational Chart - A well defined hierarchy removes uncertainty in the workplace regarding authority and accountability. An organizational chart allows you to delineate teams with clear responsibilities, titles and lines of authority. Even the smallest of “shops” (including solos) will benefit from this tool. It is particularly useful in clarifying chain of command when a change in staff occurs.

Staff Meetings - Regularly held staff meetings engage the team in advancing the organization’s objectives. Following a template agenda will assist the manager in conducting a structured and tightly run meeting which will provide a forum for:

THE ETHICS OF DELEGATION

- Regular and open discussion of office procedures and issues
- Discussion of status of pending cases and outstanding issues (if appropriate)
- Reviewing the status of projects to determine if timelines are being met.
- Identifying problems and creating solutions.
- Keeping a finger on the pulse of attorney and staff morale.
- Celebrating team successes. Who doesn't love recognition?

The meeting ends with a review of the action steps that must be taken before the next meeting in order to keep initiatives on track. Lawyers are so busy with the daily demands of practicing law that it can be difficult to engage in activities designed to improve the practice's efficiency. Regular staff meetings serve as a platform for creating and implementation of such objectives. A team member with note-taking responsibility distributes the minutes as a reminder of individual responsibilities.

Attorneys with supervisory responsibility can also use this as a forum to keep updated on the progress of matters being handled by the department.

Standard Operating Procedure Manual - The investment made in developing a detailed Standard Operating Procedure (SOP) manual will save countless hours in the long run. Having a set of written instructions on hand that documents routine or repetitive activities provides attorneys and staff alike with a valuable resource and can greatly promote efficiency. Training time is reduced and everyone has ready access to information. The SOP can cover areas such as billing processes and instructions for equipment operation. Individual practice areas should develop their own practice manuals which can be useful to both experienced and inexperienced practitioners.

Culture of Trust - Encourage your subordinates to report mistakes or ask questions without fear of unreasonable retribution. You can then remedy the error at the earliest possible time and hopefully turn it into a lesson learned. Obviously, disciplinary action may unfortunately be necessary if persistent or egregious errors are made by an employee.

The Fundamental Process

Delegation is simply the act of assigning responsibility for a task or project for which the delegator generally has ultimate accountability.

The most basic delegation involves assigning a task with the expectation that instructions will be followed precisely. If no authority is given and no latitude is allowed, professional growth is neither expected nor sought. A manager can accomplish a successful delegation by being exceedingly clear as to the parameters of the task. Providing feedback is the second and most likely final step in this simple process.

Example of basic delegation: “Please leave for the bank at 2:00 pm and make this deposit. When you return to the office, give the deposit slip to the bookkeeper.”

Examples of feedback (depending on performance): “Thank you.” or “Why didn’t you return to the office after you went to the bank?”

The more challenging delegations hold a person responsible for a specific outcome. The attorney, paraprofessional or other staff member’s knowledge and experience determine the extent of authority granted and breadth of freedom permitted with respect to choice of strategies and methods. An objective of this type of delegation is professional development of the employee.

The following process is designed to provide guidance and contribute to a successful delegation:

Clearly define the responsibility to be assigned and select the appropriate individual for the job.

Explain the importance and relevance of the assignment. Respect the subordinate attorney's and staff member's respective roles as part of a cohesive team. Don't be surprised if he or she offers useful suggestions that improve the efficiency or ultimate outcome.

Outline with specificity the required results and clearly delineate how you will determine when the assignment has been successfully completed.

Be Explicit regarding the level of authority you are granting. What decisions, judgments and commitments can she make on her own?

Discuss the individual's capabilities. Introduce him or her to any training material, manuals or prototypes that provides appropriate background and step by step instructions - particularly if the responsibility being assigned represents new territory. Other team members may be appropriate resources as well.

Agree to specific deadlines. When is the final project due? Set timeframes for review of various phases of an ongoing project. Confirm with the employee that the timeframes are realistic. Ask if he or she has other deadlines that would interfere with this project.

Confirm that your subordinate has a clear understanding of the previous points. Having her repeat the nature and scope of the assignment will help minimize misunderstandings and also reinforce commitment. The level of accountability must be made explicit.

Written confirmation of the desired outcome and timeframes is desirable in most situations but obviously not necessary if the assignment will be completed immediately.

Support and Communicate - Be available for review and even encouragement. Employees may feel embarrassed or afraid to reveal their lack of knowledge about a subject or task. Reassure them that you are happy to answer any questions they might have.

Give Feedback - It is essential to let the person know how he or she fared with the assignment and whether your carefully outlined expectations were met. If not, you must review any shortfalls and explain how the outcome could have been improved. Immediate feedback is essential if you are in favor of promoting professional growth.

Mistakes - Sometimes a mishap occurs in the context of a delegation. Simply determine what went wrong and apply the lesson to create a better experience next time.

Discourage Upward Delegation - Be sensitive to an employee's attempt to shift responsibility back to you or "upwardly delegate". Offer guidance where needed but keep in mind the fine line between extending support and motivating a person to grow and learn.

Watch Out for Re-delegation - Be ever watchful of an employee who re-delegates tasks or pawns an assignment off onto a co-worker because she doesn't want to do it. Believe me, it happens, and is not fair and is inefficient. Make sure your staff understands that your input is required before recruiting peers for assistance.

Delegation Reluctance

According to an English proverb, "Old habits die hard."

Many attorneys have long subscribed to the "go-it-alone pioneer" mentality and spend (or waste) countless hours performing tasks appropriate for a capable subordinate lawyer or staff member. They suffer from Delegation Reluctance Syndrome (DR) and cite the following reasons for their working style:

Nobody can do it as well as I can - That the lawyer retains ultimate accountability for the project can be the basis for DR. The person may fear that a mistake will be made and can be heard to say: "If you want something done right, do it yourself." Indeed, the transfer of a task does involve a degree of risk. However, a role of the supervising lawyer is to teach, motivate and provide feedback to employees in the context of an effective and responsible delegation.

If the lack of confidence is well founded because of prior unfavorable experience with the subordinate and additional past training has not proved beneficial, it may be time to review whether it is productive to retain the employee.

Not enough time to delegate - The thinking is: "It will take more time to teach someone else how to do the task than to do it myself." If the senior lawyer already possesses the requisite skill and

knowledge to complete a one-time task, an investment in training does not make sense. However, teaching or documenting a repetitive task is a wise investment of time and effort.

Fear that employee will resent delegation - The manager does not want to impose and may fear that subordinates will resent being asked to take on certain types of tasks. To the contrary, an effective manager has little hesitation in passing downstream tasks that she would otherwise handle personally. Well informed employees understand the organization's hierarchy and willingly accept assignments from their supervisors. An employee with an attitude problem who does not cooperate presents another set of concerns beyond the scope of this article.

Unclear as to whether they have authority to delegate - Reviewing the organizational chart and chatting with an attorney's own supervisor can clear up this mystery.

Problematic Delegation Styles

A lawyer who exhibits any of the following descriptive behaviors may want to take an inward look and consider whether a change in style could benefit the organization, coworkers and self. While these firmly entrenched habits are not easy to change, awareness is the first step.

Procrastination. Procrastinators put off many tasks including delegation. The procrastinating attorney's subordinates are frequently saddled with last minute "emergencies" because he hoards projects that could have been assigned long ago which often makes him guilty of a D&R, described below.

Micromanagement. The Micromanager is often found looking over his secretary's shoulder - presumably to make sure she is not misspelling any words while typing. He frequently listens to his secretary's phone conversations perhaps to make sure she is conveying the correct message to the client/adversary/vendor.

While reasonable oversight is a critical component of the delegation process, micromanagement is detrimental on many levels. Organizations that employ Micromanagers are essentially paying for 2 people to be involved in a task that can be accomplished (at least in large part) by one person alone. Moreover, the confidence and morale of the person being over watched is undermined because the manager seemingly does not trust her judgment or ability to work independently. Equally troublesome, staff members are often deprived of experience necessary for professional development.

Dump and Run. Victims of Dump and Run (D&R) Drive-By Delegations report the following scenarios:

1. They were not given a clue as to how the assignment fits into the big picture;
2. They received vague and unclear instructions and perhaps a set of cryptic notes;
3. They did not understand what was expected;
4. They lacked the current skill set to complete the project;
5. They had no idea where to turn for guidance; and/or
6. The manager was unavailable as a resource for clarification, direction or support.

Valuable time is wasted while the junior lawyer or staff member spins his wheels in frustration trying to figure out a task for which he lacks fundamental training. If there is a pressing deadline (and

there usually is), the assigning lawyer must either re-delegate the project as a rush job or do it himself. Of course, the ideal outcome would be for this to be identified as a learning opportunity, making use of available delegation strategies to train the junior lawyer or staff member. Where appropriate, a staff member should be assigned the task of drafting an SOP.

Sometimes, a D&R takes place because the attorney/manager herself does not have the capabilities to complete the project and moreover is unaware of the resources needed to produce a quality job. Instead of requesting help from her supervisors or working as part of a collaborative team with others, she commits a D&R.

If D&R is part of your current style, many valuable resources and tools are available to assist you in forming new and productive habits.

Get Started Today!

Skilled delegators stand to enjoy the benefits of a productive office. They are freed up for work activities that require the use of their highest and best capabilities. Furthermore, junior lawyers and staff members develop and are able to contribute more to the welfare of the law firm or legal organization.

If you wish to work on your delegation skills, an opportunity presents itself TODAY. Included in these materials is a tool labeled “The Responsibility Shift”. Set aside a little time over the next few days to list your work activities and estimate the amount of time you spend on these activities each month. Indeed, the minutes turn into hours. The next step is to determine which tasks, projects or responsibilities can be delegated to another person, keeping in mind the tools provided in this article.

What ideas did you pick up at this session that would make sense in your own organization?

With the right plan in place, your team can accomplish the required tasks and your organization will reap the rewards of progress and increased profitability.

*This author does not intend to insult anyone or appear insensitive by the use of gender-specific pronouns throughout this article.

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