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Gary A. Munneke

Pace Law School, gmunneke@law.pace.edu

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LAW PRACTICE MANAGEMENT

BY GARY A. MUNNEKE



GARY A. MUNNEKE (GMunneke@law.pace.edu) is a professor of law at Pace University School of Law in White Plains, where he teaches Professional Responsibility, Law Practice Management, and Torts. Professor Munneke is the Chair of the New York State Bar Association's Law Practice Management Committee, Co-Chair of the New York Fellows of the American Bar Foundation, and a member of the Board of Governors of the American Bar Association. The opinions included in this article represent the personal views of the author and do not reflect the policy of the American Bar Association or its Board of Governors.

Personal Management Skills: Getting the Most Out of Every Day

For many lawyers, management is something to be left to, well, management. According to conventional wisdom, a lawyer's job is to practice law, while managers do the managing. Lawyers believe that the high level of thought needed to practice law should not be sullied by pedestrian issues of efficiency and productivity. They assume that their innate intelligence and problem-solving ability will allow them to serve clients, fulfill professional commitments and sustain their personal lives. They pray that they will be able to keep all the balls in the air, not because they can, but because they must.

In an October 2007 *Journal* column, I posed the question, "Why Practice Management?" The column concluded that lawyers need to understand the business side of practicing law in order to survive in a competitive marketplace for legal services. What was left unsaid in that column was the idea that law practice management (LPM) has more than one meaning. In one sense, LPM involves managing the organization, or what might be called law *firm* management. Law firms, whether individual practices or multi-office mega-firms, are professional service businesses that deliver work product to clients and earn a living for the lawyer-owners. Yet, many lawyers practice outside the realm of organizational management; they delegate the administration of the office to others.

In another sense, however, LPM involves managing the delivery of legal work to clients. In this context, every lawyer is a manager, because every lawyer is ethically responsible for the legal work he or she handles, regardless of the lawyer's status in the firm. In this view, management requires the knowledge base and skill set reasonably necessary under the circumstances to get the job done. In the final sense of the term, LPM represents a group of personal management skills that are not limited to running the firm or delivering legal work. These personal skills serve those who possess them in a variety of different professional and personal settings, as well as in both legal and nonlegal activities.

What are these skills and why are they important? Although the remainder of this column looks at "what," a few preliminary words about "why" deserve attention. We have all met people who just seem to get more done than others. They are organized, prepared, and focused. This behavior cuts across all aspects of their lives. We have also known people whose work and lives seem to be perpetually in shambles, not because of some singular crisis, but because they are always in crisis. They may be intellectually gifted, but their performance always falls short of their promise. Most of us fall somewhere in the middle, neither the best nor the worst of managers. We can look at some people and recognize (thankfully) that we could be

doing worse. On the other hand, we can look to others for a reminder that we could do a better job of managing our affairs. If improvement is possible, it would seem, we should strive to be better personal managers, not only because we improve the quality of our work, but also because we can enhance the quality of our lives.

As for the question, what are the personal management skills that lawyers need to possess (or develop, as the case may be), here is a short list: organization, time management, financial management, facility with technology, people skills, an ability to communicate, personal marketing skills and career skills. Although future columns will add flesh to the bones of these personal management skills, a skeletal overview may help to understand what this article is talking about.

- **Organization** – On a fundamental level, organization involves grouping projects in an orderly way, engineering efficient plans for accomplishing work, leveraging repetitive or recurring tasks, structuring work flow to enhance output, dividing projects into manageable components, giving work to those best positioned to do it, and saying no when a project isn't right for you. Getting organized and staying organized are two continuous battles for lawyers buffeted by competing demands in their professional and personal

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lives, but disorganization breeds chaos, which in turn increases stress, decreases productivity, and undermines professionalism.

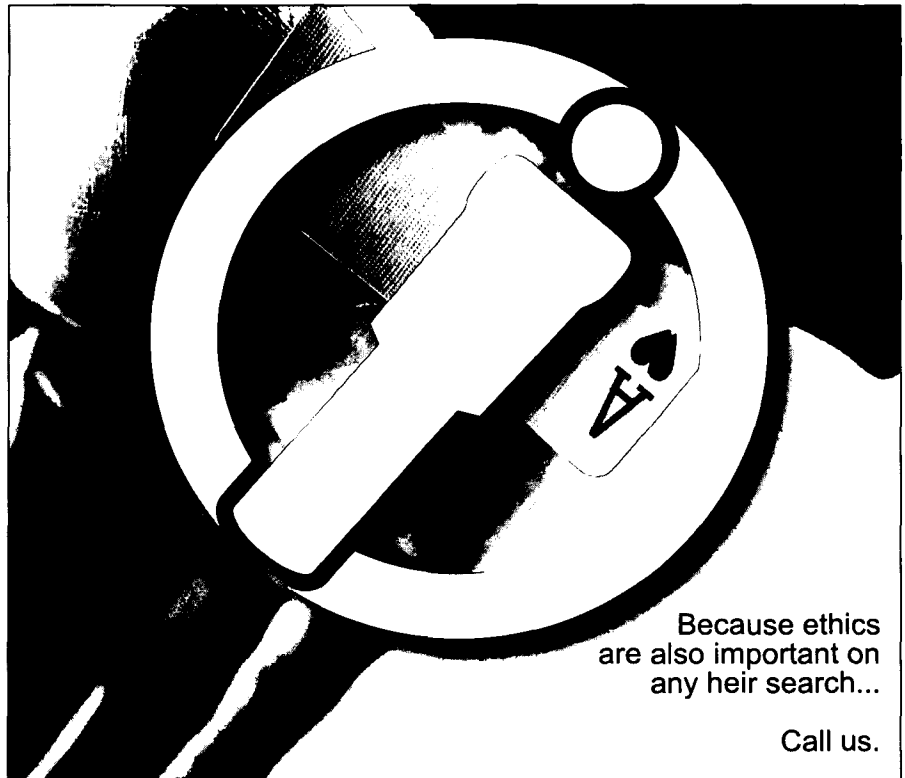
- **Time** – Although organization and time are connected, they are not the same. Time management involves making choices about how to make the best use of the hours we have. There are 24 hours in a day – no more, no less. A lawyer who spends 10 hours per day, six days per week (or 12 hours over five days) has 60 hours to get the work done and take care of other routine office business. Surveys indicate that lawyers who work 60 hours can probably bill 40 hours to client matters, and over a 50-week year (allowing two weeks for vacation) can bill clients for roughly 2,000 hours of work per year. Time management means getting more out of the hours you have, not just spending more hours in the office.
- **Technology** – Over the past two decades, the technology revolution has transformed the way lawyers practice law. Some lawyers learned to harness technology early and have remained on the cutting edge of this changing environment. Other lawyers resisted technology, hoping perhaps to retire from the practice of law before it overtook them. Still others relied on experts – consultants, IT professionals, lawyer “techies” – to keep them semi-functional, if not ahead of the curve. Law firms generally have lagged behind professional offices in other fields in their use of tech applications. As younger lawyers who grew up on technology filter out of law schools and into practice, there are fewer and fewer places to hide for those who do not stay abreast of developments in e-lawyering,

e-marketing, e-discovery, and e-commerce.

- **Money** – Lawyers can get into money trouble in a variety of ways: mismanaging their personal funds, their clients’ funds, and their law firm’s funds. Money management can involve accounting, budgeting, investing, billing, advising clients on financial matters, or exercising fiduciary responsibilities. In all these cases, lawyers need to possess a basic understanding of accounting principles and know how to apply these principles in a disciplined way. Too often, lawyers are careless with money, or they delegate financial responsibilities to others without exercising proper oversight. Most of us did

not go to business school before law school, so developing the tools to be an effective money manager may prove challenging, but if we do not master this critical skill, it will eventually catch up with us.

- **People** – Law is a people business. Lawyers work with clients, judges, jurors, adversaries, witnesses, experts, partners, associates, nonlegal staff, colleagues, allied professionals, and family and friends. Our work is collaborative, and legal work is typically delivered by a team, even in the smallest organization. Lawyers sometimes thrive on the myth that they are independent agents, cowboys and cowgirls who operate outside the parameters of social intercourse and civility. These lawyers need to understand that working with



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people representing disparate constituencies with differing interests and values is at the heart of being a lawyer. All lawyers need to realize that people skills are central to success in professional life. Knowing how to play the game, how to supervise, how to exercise leadership, how to give feedback, and how to say no are just a few of the things that lawyers have to do to manage people effectively.

- **Communication** – In law school, students learn persuasive communication skills. They learn how to take a position and make an argument using both the written and spoken word. They may not recognize that they should not interview job applicants the same way they would pick a jury, or that yelling is not the best way to inspire loyalty among subordinates. Lawyers often do not recognize that they need to know how to empathize, how to listen, how to respond to inquiries, how to mentor, and how to praise, just as much as they need to know how to formulate a winning argument. In today's world, lawyers need to understand netiquette as well as etiquette, civility as well as civil action, media relations as well as personal relations, and silence as well as repartee in order to be effective communicators.
- **Marketing** – According to one definition, marketing involves knowing in what business you are engaged. If you know this, then you know who your clients are, what products or services you will provide them, and how to reach them with information about what you can do for them. Marketing is much more than advertising, solicitation, or a set of rules defining when and how you can contact prospective clients. Marketing also includes developing a network or client base, rainmaking, selling your-

self and/or your firm, building your own career, cross-selling services, developing an image and brand name, building loyalty among current clients who come back to you repeatedly and refer you to others in need of the services you render. Most lawyers think of marketing as an institutional activity – something the firm does to get clients. In larger firms, marketing may be viewed as an activity to be delegated to a marketing director or marketing consultant. In smaller firms, marketing may be seen as a necessary annoyance that interferes with the more important work of practicing law. Some lawyers understand instinctively that those who can get and keep a clientele can write their ticket; some lawyers never get it and never figure out why they are working for the lawyers who do.

- **Career** – A lawyer pursues a career in law, not just a series of jobs, but an accumulation of related experiences, which over time manifest themselves in the lawyer's professional growth and increasing mastery of the work. Law students think about their careers as they graduate from law school, and older lawyers may reminisce about their careers through the veil of retirement, but many lawyers in the midst of their careers do not think very much about where they are going, how they want to get there, and what they will need to do to position themselves in order to achieve their professional goals. In truth, career development is an ongoing activity for all lawyers, and career skills are critical to achieving success in the practice of law.

These are not the only personal management skills that lawyers need to possess, but they are clearly significant ones. It is hard to imagine

a lawyer who does not apply many of these skills every day. Not surprisingly, different lawyers possess a range of aptitudes in all these areas. Some may have mastered the latest technology but can't keep a secretary for more than six months. Others may be so organized that they get twice as much done as anyone else in the office but have never brought in a client of their own. Some lawyers are skilled in multiple areas, and they are the professionals we emulate. Those who fail to develop at least some of these skills do not survive in the practice of law.

Some lawyers mistakenly believe that personal management skills are innate – one either has them or not. The reality is that these skills can all be learned and honed over time. A few lawyers may get a head start with personal charisma, or family role models, but there is nothing magic about these skills. In 1991, the ABA MacCrate Task Force described a continuum for the acquisition of professional skills and postulated that learning the skills of effective lawyering begins long before law school and extends throughout one's professional life. A lawyer should continue to grow professionally throughout his or her professional life.

In future issues of the *Journal*, this column will explore each of these professional management skills in greater depth. The Law Practice Management Committee plans to develop a series of programs to help lawyers develop and utilize these skills in their work. The Committee also plans to identify and disseminate information about resources to help lawyers help themselves, and to explore other avenues for enhancing professional skills development among members of the Association. In the end, it is each lawyer's responsibility to be the best lawyer possible, and in the end the best lawyer is not necessarily the smartest or cleverest lawyer around, but rather the most skilled. ■