

Think Like a Lawyer



Episode #9

Episode #9 - Delegation

SUMMARY KEYWORDS

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This is think like a lawyer on Substack. My name is John Hollander.

In this episode, we are going to discuss something that lawyers don't do very well. So maybe this Substack episode should be entitled, How not to think like a lawyer.

The point is that lawyers don't delegate very well. Partly, it's because we're control freaks. What that means is that we want to micromanage every little aspect of what we do. And it's never good enough for somebody else to do it. Part of that comes from the duty of lawyer and client, where lawyers must put the interests of their clients first. And that means because the duty is owed by the lawyer, the duty can't be delegated to somebody else.

Well, it's true that some people in the lawyer's office can do the job better than the lawyer can. There are clerks, there are assistants, there are junior lawyers, there are others who are specialized in a particular area, who can do a much better job of specific tasks within the overall file or case. But the lawyer still thinks that they're the ones who have to get it done. And so lawyers are always poking their nose into what other people are doing. They can't simply let it go.

So what is the secret behind a good delegation? The Substack text provides several guidelines. They're not commandments, because what works for you won't necessarily work for somebody else, and vice versa. But there are things to think about as you go about creating a plan to delegate specific tasks to other people.

Really, the most important one is who on your team is best able to accomplish a specific task. Now, I've heard it said that it's much easier and faster to do the job yourself than to spend the time to delegate to somebody else, which is a three-step process.

- First, you have to explain what it is you want to the other person.
- Then they have to do it.
- And lastly, you have to check what they've done.
- Sometimes they have to revise, and then you have to go through the process again.

Well, that can be very time consuming. But as you build your team, and as you deliver services to other people, then having capable teammates may allow you to do more things for more people, and more productively than if you do everything yourself. So delegation is still very important.

Within the legal process, lawyers have a duty to train the next generation. So we are always trying to bring our juniors and our associates up to and past the standards that we have set for ourselves. That may or may not be true in your world. But it's certainly true in the world of lawyers.

So, consider some of the things that are in the text. The best team member who can accomplish the task may not be the obvious one. If something's got to be done by way of a legal memorandum, it may not be a lawyer who does it. I have seen clerks who are very well positioned to be able to either research or draft memoranda that the lawyers would then take into account for their own final product.

It may require a team to accomplish a task. That means two or more people working together. Whether they have a leader within the group is dependent upon what the task at hand requires.

Tasks can be big or small. Sometimes you can define the task to be very small, and it requires simply one person to do it.

Then you have to think about the order in which the tasks get done. To accomplish this task, what are the preconditions? What do you have to do before this task? Can you do them in that order? Or do you have to change the order in which things are done.

Then consider your expectations. You may want a finished product right away. But it may be best if you see interim product that you can review so that you can modify your expectations. Maybe what you set as your standard or as your expectation at the beginning isn't appropriate. And you will know this as you check in on the other members of the team as they're accomplishing what they're trying to do. What you set them out to do.

A pet peeve of mine, and I've said this many times to people who've worked with me, is what's called the 'Open Door Policy', which says, I'm the big cheese, come consult me any time that you think that you need help. That never works. And it doesn't work because the people who are doing the task would consider it an imposition, or maybe even something that reflects poorly on themselves, for them to take your time to consult. It's much better if you set a time in which you will review the work that you've assigned, and then go through questions that they might have,. You may have to provoke those questions with your own questions. You may have to go through a draft of what they've done, even if they're only part way through it in order to determine whether they're on the right track.

One of the worst things that can happen is that the person you've delegated to spends so much time and has created such an investment in the work product to that point, that they have no choice but to pursue it. That investment could be completely wasted if they got off on the wrong foot. Or if you changed your mind based upon what they are accomplishing.

Once the task is over, consider the military practice of conducting a meeting afterwards, to review the lessons learned from the project that has just been completed.

One of the difficulties that lawyers face is that we tend not to receive criticism very well. If we start with the proposition that we are the best qualified and the perfect person to do the work in the first place, then how could we ever make a mistake? Or how can we ever improve? Well, like everybody else, lawyers can improve all the time. Constructive feedback is important to get from the team who have experienced what went into making the project work.

And then after everything is finished, share the credit. You take the blame as Harry Truman said, the buck stops with you as the team leader. But share the credit with the members of your team so that they will take pride in the quality of the work that they've done. As you go to do the next task and start to delegate to prepare to accomplish it, the team members will remember how you shared the credit the last time and they will think fondly of you rather than harbor some negative emotions that may get in the way of what they're performing the task this time.

So those are a bunch of guidelines to think about when you consider delegation. This is Think Like a Lawyer on Substack. My name is John Hollander. Thanks for listening.