

ROLE OF MANAGEMENT IN LAW

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ABSTRACT

Management plays a significant role in law. It provides resources that are needed in order to help a law firm with different stages of growth. Law Department Business Operations Directors are increasingly becoming an integral part of most law department management teams with the growing recognition of the value they can bring. A keen Law Department Business Operations Director will develop operating strategies; take ownership and responsibility for implementing, supporting and enforcing the use of solutions that address the law department's business needs. Putting responsibility of issues such as human resource, management etc. to expertise, ensuring optimal personnel utilization, resulting in reduced overall expenses, as well as more even distribution of workload and consistency in quality, developing and improving business processes, streamlining systems and technology management, allowing for internal efficiencies and resulting cost control. Law practice management includes management of people, workforce equipments, policies etc. Either a small or large firm, all of them need law to perform their functions efficiently. In public and private sector, they have their own legal needs. Good management strategies lead to appreciative work, higher efficiency, and great satisfaction.

This paper deals with the same concern. The author has categorized his paper in some parts viz. Introduction, Role of management in law, Role of law department business operation directors, Business law for manager, Need, Issue, Conclusion

The author also focuses on identifying the ways by which this big goal can be achieved.

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INTRODUCTION

Law practice management is the management of law practice. Law firms may be composed of a single attorney, or more attorneys, support staff such as paralegals, legal assistants, legal secretaries and other personnel. Law practice management is the study and practice of business administration in the legal context including such topics as workload and staff management, financial management, office management and marketing including legal advertising². Many lawyers have commented on difficulty of balancing the management functions of a law firm with client matters, leading workflow solutions for large law firms including legal research, litigation management, Just-in-time learning, professional development, and legal process outsourcing. Practical laws help lawyers to work faster and advice with confidence. Primary law research helps in client meeting which causes efficiency and greater value.

It includes management of people (client, staff, Vendor), workplace facilities and equipments, policies and regulations, financial matters and trust accounts. Human resource management is also important aspect of law practice³. Some of the laws, rules, regulations, policies and govern entities that human resource management must comply with an organization. These include: Civil rights act, Equal employment opportunity, Sexual harassment and affirmative actions. Effective public relation requires a knowledge, based on analysis and understanding of all the factors that influence public attitude.

ROLE OF MANAGEMENT IN LAW

In today's scenario, the role of managing partner has evolved significantly as a "caretaker". A firm must appoint a strong group leader at every level. He must be a visionary, good communicator, futuristic, passionate, negotiator, coach, disciplinarian and clear. He must have an attitude to insist on the term "our" instead of "mine" and "yours". It is essential for lawyers to understand code of conducts, code of ethics or any other official set of rules laying out the expectations and guidelines for ethical behavior.

Each of these roles must be performed by every law firm and business either a small or large firm. In small firm, personnel of firm must perform these functions efficiently and effectively, and be reasonably

² Law practice management available at https://googleweblight.com/?en.m.wikipedia.org/wiki/Law_practice_management

³ Resources for managing law firm personnel- shape up! Practice management tips for 2010 (Nov/Dec 2009) law practice vol. 35, no. 7, p. 30

good at all of them. In large firms, these functions are typically performed by administration and management⁴:-

1. Planning-

Lawyers also decides in advance ‘what to do, how to do, when to do and who is to do’. It bridges the gap between where we are and where we desire to go. When properly developed and implemented, the strategic planning process will enable lawyer management and the partners to reach consensus on shared goals, identify qualitative and quantitative benchmarks, and develop an action plan that include timetables and lawyer accountability for performance⁵. Strategic planning includes four phases:

- Self Assessment
- Analysis of Data Base
- Draft Objectives for presentation to partners
- Implementation of the plan

2. Organizing-

Create an intentional structure of roles, duties, responsibilities and accountabilities. Organization is one of the keys to being successful, however, in a law office, being organized is mandatory for operating efficiently, ethically and productively. If a law office is well organized, staff’s work efficiently. Furthermore, it reduces the risk of jeopardizing the success of each of your client’s case. It increases the reputation in the legal community⁶. Firm need to handle following tasks:

- a. Opening new clients files
- b. Ordering office supplies
- c. Closing, archiving and destroying client files
- d. Accepting payments
- e. Scheduling new clients consultation

⁴Functions of management in large and small firm available at <https://googleweblight.com/?www.olmsteadassoc.com/resource-center/law-firm-management-roles>

⁵ Planning in law available at http://nysbar.com/blogs/Tipoftheweek/2011/01/a_fourstep_formula_for_strate.html

⁶ Organizing in law available at <http://www.agilelaw.com/2014/09/law-office-management-tips-organize-work/>

- f. Scheduling appointment for existing clients
- g. Preparing trial notebooks
- h. Daily filing

3. Staffing-

Managing the jobs includes hiring, performance, training, mentoring and development by practicing. It's important to understand the relationship and responsibilities among client, staffing company, and staffing employee, including key concepts such as co-employment. Activities identified by management and staffing include:

- Recruitment under the legal excellence program
- Handling complaints under the public service staffing tribunal⁷.

A clearly defined mandate, including core activities, is essential for ensuring that resources are allocated to the most important functions.

4. Directing-

It involves motivation, communication, leadership and research work. Management of the client operations and the corporate programs divisions exercise leadership, communicate with staff, and provide functional directions. It provides number of instruments to help assess leadership. The main abilities of good leaders:

- To provide direction
- To delegate
- To face conflict
- To show initiative
- To make decisions
- To make communicate with and motivate staff
- To develop effective interpersonal relationships⁸

⁷Staffing in law available at <http://googleweblight.com/i?/www.justice.gc.ca>

⁸ Directing in law available at <http://googlweblight.com/i?/www.justice.gc.ca>

5. Controlling-

Measurements of accomplishments against the standards of plans and take the corrective deviations. Corporate program management advised that they had recently developed a departmental staffing monitoring framework based on identified risks. A framework monitors the activities as well as the frequency of each activity. A new framework has been developed to ensure progress on work plans and discussed properly in legal boundaries.

It may group accordingly:

- The nature of the information flow designed into the system
- The kind of components included in the design
- The relationship of the control to the decision process⁹

Roles of law department business operations director may perform¹⁰:

✚ FINANCIAL MANAGEMENT

They may often uses key information management tools (eg: matter management, e-billing systems etc) to collect and communicate financial information both within and outside the law department. The maintenance and reporting of historic financial information can also help the general counsel identify problem areas allowing for more informed decision making and case management.

✚ VENDOR MANAGEMENT

To managing the tracking and reporting of vendor expenses, he or she often works with the law department, its leadership and other departments such as procurement to select vendors, develop vendor assessment tools, identify and address vendor relationship issues, and develop strategies for leveraging and maintaining solid vendor relationships.

⁹ Richard Arvid Johnson (1976) Management, system and society: an introduction. Pacific Palisades, Calif.: Goodyear Pub. Co. pp. 148-142

¹⁰Role of law department business operation directors available at <http://googleweblight.com/i/?legalresources>

✚ OUTSIDE COUNSEL MANAGEMENT

The director may be involved in billing issues and may be a contact with outside counsel for billing and collection concerns, and sometimes for other matters such as litigation support.

✚ HUMAN RESOURCES

They are involved in the hiring and management of all non attorney department personnel and are responsible for workload allocation, training and development, and performance reviews. They work with the corporate HR departments to ensure compliance with corporate policies.

✚ FREEING ATTORNEY TIME

Directors give the general counsel and department attorneys the flexibility to perform their primary function: meeting the legal needs of the business. They often have specialized financial or other training, law department, business director may be better equipped to handle these roles than attorneys.

BUSINESS LAW FOR MANAGER¹¹:

Managers and professionals in business make decisions of legal nature everyday, yet do not always understand or have access to current knowledge.

They are constantly required to enter into formal and informal agreement and transaction in a wide range of business situation with legal implications.

KEY LEARNING BENEFITS:

- Increase your knowledge of the areas of law that directly apply to managers and how to minimize legal risks that arise under the law.
- Become more aware of the circumstances in which that law impacts you organization
- Develop understand of range of key legal topics including contract law, corporate law, business protection law, employment law etc.
- Better anticipate and identify potential legal problems and recognize when professional legal advice might be appropriate

¹¹ Business law for manager available at <https://www.adelaide.edu.au/professionals>

PROGRAM STRUCTURE:

This program is typically delivered over two consecutive days during business hours. The program is run as a highly interactive practical workshop with ample opportunity given to advance your opinions and ideas, and participation encouraged in a supportive environment.

MEMBERS OF PROGRAM:

Managers, team leaders and professionals in the private, public or not for profit sectors who wish to improve their understanding of wide range of legal issues that impact on their legal duties and affect their legal responsibilities.

NEED:

In addition to these roles, lawyers need to have a working knowledge of accounting, financing and the matter as well. He must know all the aspects of the case either good or bad. He must be good modifier and perform all the functions efficiently. Managing people is one of the toughest challenges that law firm face. Challenges often involve people doing what they should not be doing. Think strategically about the cost reduction.

Review the profit and loss statement timely. Knowledge management often includes efforts to collaboration within firm and law departments between clients and firms.

1) SOFTWARE AND LEGAL RESEARCH:

Software applications have become increasingly important in modern law practices. Practice management software, a form of customer relationship management software, is among the most important, and features and functions of such management software often include case management, time tracking, document assembly, contact management etc. Other software used include password security, disk encryption, mind mapping, email management etc. Some bar associations and lawyers' organizations have their own software.

Most law firms also subscribe to a computer assisted legal research database for legal research. It provides case law, from case reporters, and often other legal resources. The two largest legal databases are Westlaw and LexisNexis¹².

¹² Need of management in Legal research database available at https://googleweblight.com/i/?wiki/law_practice_management

Legal case management refers to a subset of law practice management and covers a range of approaches and technologies used by law firms and courts to enhance knowledge and methodologies for managing the life cycle of a case or a matter more effectively¹³. It includes case and matter management, time and billing, litigation support, research, communication and collaboration, data mining and data security¹⁴.

Matter management software has primary functions:

- It helps to better use, manage, consolidate, share and protect information and it tracks information and business process.
- It serves variety of function like including conflict and ethic control, accurate matter opening, day tot day matter work, business intelligence, and marketing.¹⁵

2) PUBLIC AND PRIVATE SECTOR:

In public and private sector, legal teams have their own needs. It needs to improve productivity and reduce cost. Our market leading public sector lawyers provide strategic commercially focused advice on public sector law. We deliver intelligent solutions to complex, innovative and high profile projects, based on depth understanding of the public and private sector.

Our public sector law team comprise of former senior civil service lawyers, local government lawyers, offering significant first hand experience of the public sector and its complex regulatory framework. It includes:

- Procurement and state aid
- Projects including PFI, PPP

¹³ In the U.S. the term ‘case’ is customarily applied to a matter in which ... happy while doing it, Law practice today, March 2007

¹⁴ Need of management in Legal case management available at https://googleweblight.com/i/?wiki/Legal_case_managements

¹⁵ Need of management in Legal matter management available at https://googleweblight.com/i/?wiki/legal_matter_management

- Judicial reviews and other dispute resolutions
- Competition and regulatory
- Administrative and public law
- Freedom of information and data protection
- Outsourcing and service transformation
- Corporate and governance of public sector bodies
- Banking and finance
- Technology and intellectual property
- Employment and pension service
- Planning and compulsory purchase
- Development and regeneration
- Property and facility management¹⁶

Employment in private sector presents a unique set of advantages. The corporate sector and the personal sector are encompassed in the private sector and they are responsible for the allocation of the majority of the resources within the economy. It includes:

- Sole proprietors
- Partnership
- Small and medium sized business
- Large multinationals
- Professional/ trade associations
- Trade unions¹⁷

¹⁶ Need of management in public sector available at <https://googleweblight.com/i?www.burges-salmon.com/expertise/sector-expertise/public-sector>

¹⁷ Need of management in private sector available at <http://googleweblight.com/i?www.thebalance.com>

3) E- COURTS:

As electronic court system, continue to increase their online presence, many now require case filings to be accomplished electronically. Electronic court filing (ECF) or E-filing is the automatic transmission of legal documents from an attorney, party or self represented litigant to a court, from a court to an attorney, and from an attorney or other user to another attorney or other user of legal documents.

The guide provides information on the following topics:

- Standardize integration methods in an e-filing implementation with XML
- Integrate with any potential e-filing service provider or share e-filing data between systems or partners
- Set up a single method of processing data relating top e-filing
- Find out how to implement legal service in an e-filing application¹⁸

4) MANAGEMENT IN LITIGATION:

In litigation, enormous amounts of information must be managed. Alternative dispute resolution was introduced to bring litigation to a conclusion through mediation or arbitration, thus avoiding lengthy and costly litigation. The review and approval of legal bills by adjusters has also been a litigation management practice from the beginning.

Guidelines for defense counsel to follow:

- Select a panel of capable law firms that are willing to accept and abide by asset of guidelines
- Negotiate and memorialize an agreement that sets the ground rules the performance and billing policy should contemplate the following areas:
 - 1) Negotiate rates and Alternative fees
 - 2) Litigation plan and budget
 - 3) Staffing/ utilization of staff
 - 4) Communication/ direction
 - 5) Billing

¹⁸ Need of management in e-courts available at https://googleweblight.com/i?/wiki/electronic_court_filing

6) Expenses¹⁹

ISSUE:

The justice system is the mechanism that upholds the rule of law. Court's decisions are based on what the law says and what the evidence proves without any bias. It's all about management. Here's great role of management.

What is to be done when law enforcement is not decent?

The answer is clear. New management is required. Management that is willing to confront performance shortcomings. It is willing to own up to failures as well as successes.

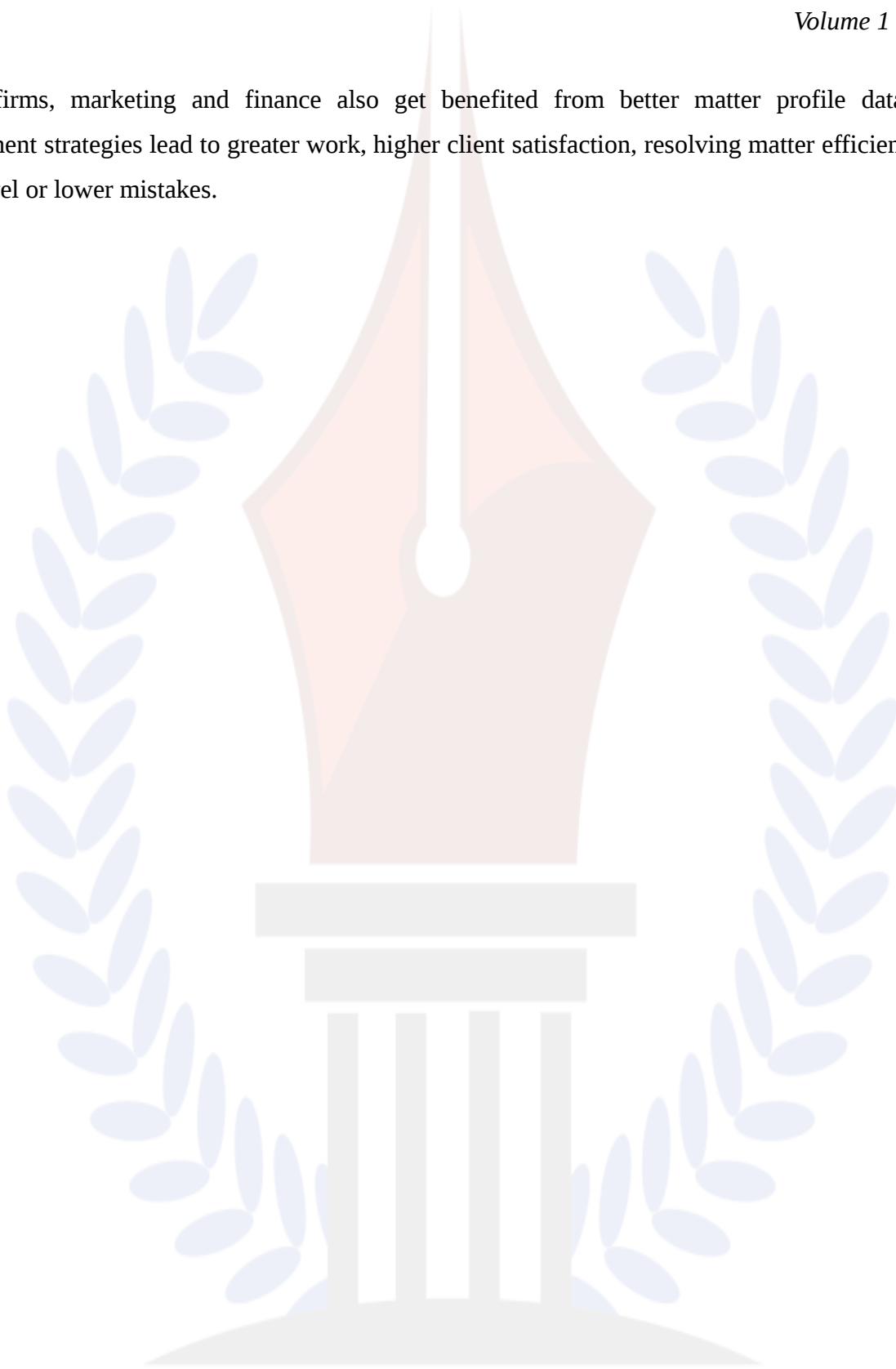
A practical ideal type model assessment tool for law enforcement agency risk management program is created from the framework. The case study uses document analysis and survey research to perform the assessment. The purpose of management here is to provide recommendation for improving the risk management practices in law agency. Management provides resource which needs to assemble to help us with whichever stage of growth in law firm. Principles of Management are universal so it also applied in law. We experiment to determine the quickest and best way to do a certain thing in order to accomplish a certain purpose or the second method is previous experience to resolve the matter. The task is therefore done more efficiently in less time, and with lesser mistakes. So, standardization and simplification is the best first principles of management which plays major role in law. A few law firms and departments have embraced Lean six sigma or similar techniques to adopt in routine and simplify common law practices tasks.

CONCLUSION:

At the end, the most powerful tool a professional can acquire is people management skills. A lawyer would have to persuade the judge, comfort his client and emphasize with his peers. All that is needed is management. All professionals should constantly assess how they can improve their practice methods to be efficient and effective.

¹⁹ Need of management in litigations available at <https://googleweblight.com/?/case-management>

In law firms, marketing and finance also get benefited from better matter profile data. Good management strategies lead to greater work, higher client satisfaction, resolving matter efficiently, lower stress level or lower mistakes.



JUS IMPERATOR