Many small law firms in the United States are organizational anomalies: complex, lucrative businesses run by people with no business experience or training whatsoever. Though more law schools are offering joint JD/MBA programs and business schools are reaching out to established professionals with evening classes, it is safe to assume that only a minority of small law firm partners have MBAs or similar management credentials.

Why is this? Why are small law firms so rarely led by trained businessmen? The obvious answer is that law school takes a lot of time. Many lawyers spend their early-to-mid twenties buried in casebooks instead of learning the ropes as managers for corporate employers. After law school is over, most small firm attorneys get busy representing and billing clients instead of going back to school for an additional degree, or they just never had any particular interest in formal business training.

Another reason is that the many state bar associations, including Kentucky’s, restrict the role of non-lawyers in the practice of law. Though the purpose of such restrictions is to prevent outside influence on professional decision-making, those restrictions also discourage lawyers from hiring trained business managers to handle responsibilities like overseeing staff. Nobody wants to risk the future of their firms by running afoul of ethical standards.

No matter what, though, small firms still need support staff and those staff members still need organizational leadership and guidance. One thing law firms can do to minimize long-term risk and ensure their survival is to effectively manage their staffing. There is a reason many universities offer specialized degrees in human resource management: employing other people is tough, complicated work. But even the busiest of lawyers can embrace a few basic principles to effectively manage their staff members. For the most part, employing people in a law firm is no different from employing people in any other organization. Basic principles of good management can work just as well in small firms with a few staff members as they do in giant corporations with thousands.

Develop a Balanced Recruiting Strategy

Whether you’re seeking a student law clerk or an experienced legal secretary, the same recruiting strategy should be applied: seek balance. We all know lawyers who hire staff members based on a very narrow set of qualifications: nepotism, grade point average, physical attractiveness, etc. Many small firm lawyers rely entirely on friends and family members for staff referrals. In other firms, good grades are critical—clients will consent to your high fees only if they feel academic overachievers are handling their cases. Still others have marketing strategies that rely on pretty faces in magazine ads, on local billboards, or sitting at the reception desk.

None of these recruiting strategies is bad by default, but what if your brother-in-law’s cousin never shows up to work on time? What if your summa cum laude law clerk alienates clients and coworkers with his or her obnoxious personality? Or what if your stunning secretary can’t handle basic tasks like filing and document drafting? How is his or her addition to your staff benefiting your firm?

Seeking balance means finding candidates with multiple traits you find organizationally useful. You can prefer certain traits to others, but seek well-rounded staff members with multiple skills who fit in well with the rest of the office staff. No matter what, though, small firms still need support staff and those staff members still need organizational leadership and guidance. One thing law firms can do to minimize long-term risk and ensure their survival is to effectively manage their staffing. There is a reason many universities offer specialized degrees in human resource management: employing other people is tough, complicated work. But even the busiest of lawyers can embrace a few basic principles to effectively manage their staff members. For the most part, employing people in a law firm is no different from employing people in any other organization. Basic principles of good management can work just as well in small firms with a few staff members as they do in giant corporations with thousands.

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will have to work closely with your new hire, so a good personality fit is critical. Also, rely on your existing staff to help you identify the best candidate—after all, they probably know their jobs better than you do, and can quickly spot in others traits that will increase the likelihood of a successful fit.

**Set Well-defined Roles**

As a basic rule, each staff member in your firm should have a clear job description with well-defined responsibilities and goals. Each job description can be as detailed or as simple as you want it to be, but the more clear-cut the better. Spell out exactly what each employee is expected to be doing, and go the extra mile by defining what good, better and exemplary performance entails. Consider creating a general handbook for all staff that includes policies and procedures that apply to everyone, including a statement of your firm’s vision.

Once job descriptions are defined, stick to them. Often in small firms, the workflow is such that everyone has to pitch in at times. If your file clerk gets sick and is out for a few days, the paralegal may have to tackle the backed-up filing. Or maybe your best clerk is busy studying for law school finals and you have no choice but to make your secretary do a few Lexis searches. That’s often unavoidable. However, as a rule, you need to firmly define roles for each of your staff members and avoid stretching them in multiple directions.

For example, if you run a high-volume personal injury practice and hire someone to request medical records, don’t also rely on them to answer client phone calls all day—they will get behind on the work you actually hired them to do. Delayed medical records lead to delayed demand letters, which lead to delayed settlements. Before you know it, your monthly revenue has cratered, your employees are overworked and resentful, and your clients are hostile and impatient. Avoid this by simply hiring another receptionist if you need help on the phones. This sounds obvious, but many attorneys in small firms fear additional overhead to the detriment of their ultimate success. Penny wise, pound foolish. Keep each staff member focused on a specific role in your firm—it will make quality control easier, ensure that critical work is done on time and maintain morale.

**Frequently Assess Performance**

Ana Lissa Reyes, an employee of a small California law firm, pleaded guilty to embezzling more than $300,000 between 2006 and 2011 by stealing clients and settling cases on the side. Her employer, attorney Brian Ching, was disbarred in 2012 for allowing the embezzlement to occur (among other ethical violations).\(^3\) How did this nightmare scenario happen, and how can other firms prevent it?

First, Reyes pulled triple duty as a paralegal, secretary and office manager. There were few other eyes in the office to notice her improprieties. This reinforces the earlier point that law firm staff members should be given well-defined roles. A separation of duties means there are multiple staff members relying on each other, and thus aware of each other’s responsibilities and performance.

Second, Reyes’ employer was infrequently around, busy with family concerns. With court appearances, depositions, mediations, client meetings and all the other regular events that keep attorneys busy, it can be difficult to maintain a regular presence in the office. But maintaining a presence is critical to understanding who among the staff is doing good work and who may be struggling.

Finally, conduct regular performance reviews. If you have detailed job descriptions and goals for each staff member, reviewing their performance after six months or a year will be a straightforward process. Sit down with the employee and discuss the work they’ve done and the projects on which they are currently working. Offer constructive feedback. Compliment strong performances. Counsel them on weaknesses and offer advice on how to improve.

But remember that good performance isn’t solely their responsibility. Maintain a continuous dialogue with all of your staff members. Hold regular staff meetings to encourage open discussion of everyone’s individual needs and the needs of the firm as a whole. Discuss the cases on which you’re working. Most importantly, be open to suggestions and complaints—it is critical to identify any underlying problems among the staff before those problems begin to fester and cause resentment or discord. Address problems and concerns constructively. Attorneys must provide leadership and solve problems as they arise, or delegate appropriate staff members to develop and implement solutions.

**Incentivize Seniority and Hard Work**

An excellent way to keep staff members productive is to acknowledge and incentivize their good work. The simplest way to do so is to tell them they’ve done a good job. This seems elementary, but it really does go a long way to boost morale. Often, law firms move from one crisis to the next, with high stress levels radiating from the attorneys down through the rest of the staff. But even in the most hectic situa-
ations—during a trial or near a strict deadline—take time to notice employees who step up and deliver.

A more difficult but more effective way to incentivize productivity and loyalty among the staff is to pay them more. During a lukewarm “recovery” period and ongoing uncertainty across most sectors of the economy, finding extra funds to expand your payroll can be daunting. But the positive impact of doing so is impossible to overstate. It should surprise no one that people report feeling more satisfied at work when they make more money. Make the needed accounting adjustments to give annual raises if you possibly can. And then give merit bonuses as often as possible. Even with the constant pressure of litigation costs and firm overhead, finding the resources to financially incentivize your staff members’ hard work and loyalty will pay great dividends. A happy, experienced staff is a priceless commodity in a competitive legal environment.

**Keep Good Records**

It’s hard to believe that many attorneys, the volume of whose record keeping is second only to that of doctors, don’t maintain files for their own employees. But it’s true. Though attorneys often make multiple scans and copies of every document they generate or receive, filling rows and rows of shelves and boxes and computer servers with records, a lot of small firms hire staff members but don’t store their employee’s information or track their tenure in any meaningful way. Personnel files are Business 101 for any corporate or non-profit business, and they should be for any law firm, as well.

Employees of your firm should have a file that includes their phone number and address, emergency and next of kin contact information, all W-4 and W-2 forms, a copy of their job description, their application paperwork such as resumes and writing samples, your reviews of their performance, and any other information relevant to their employment.

**Focus on Team-Building**

The practice of law is not the sole domain of attorneys. A successful law firm requires teamwork—every staff member working together to ensure all goals are met. There are simple things lawyers can do to foster solidarity and boost morale among their employees.

First, treat all staff members fairly and equally. This doesn’t mean that you can’t give special rewards to top performers, but any preferential treatment should be transparent and the result of established standards. Don’t treat just one or two staff members to lunch on a regular basis—treat them all, even the ones you like less than others. You don’t have to bond equally on a personal level with every staff member, but you should treat them equally on a professional level. Playing favorites at work fosters distrust and resentment among the staff. Don’t do it.

Second, do little things to show appreciation for your employees. A big settlement or jury verdict should mean a celebration for everybody. Take the entire staff to lunch, or give them an extra day off if possible. Don’t just reward those who played a direct role in the immediate success, reward everyone in some way—after all, without everyone working in unison, none of the firm’s overall success would be possible.

Weigh carefully the urge to schedule a retreat or make employees participate in formal team-building games or exercises, however. Those are popular in the corporate world but forced participation in such things can feel like more work or can alienate introverts who prefer to work on their own terms. Don’t demand solidarity—foster it. By being fair, transparent, and quick to celebrate everyone’s contributions to the firm’s overall success, attorneys can ensure their staff members perform their duties effectively.

**Embrace the Role of Leader**

Most attorneys don’t have formal business training, but you don’t need an MBA to run a successful law firm, you just need to embrace good business principles. Staff your firm with clerks, paralegals and secretaries with diverse skills who compliment your personality and vision:

- Create formal job descriptions for your staff members and set well-defined roles for them
- Hire more staff instead of stretching existing workers across multiple duties;
- Hold regular performance reviews—keep your staff aware of how they’re doing and the goals they should strive to fulfill
- Tell staff members when they’ve done good work, and do everything possible to give regular raises and bonuses
- Open and maintain personnel files that include contact info, wage and tax forms, and performance reviews; finally, foster solidarity and teamwork among the staff and take an active role in creating a positive, supportive environment.
environment in which they can work effectively.

Paralegals, clerks, secretaries and runners form the foundation of any law firm. Devoting time and resources to keeping them focused, productive and happy will ensure that foundation stays strong.

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5 Remember that Title VII applies to any employer with more than 15 employees (42 U.S.C. 2000e), and EEOC regulations require that such employers maintain personnel records for at least one year (http://www.eeoc.gov/employers/recordkeeping.cfm).

Effects of Chapter 11
Bankruptcy on the Pending Meningitis Outbreak Litigation

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spinal or paraspinal nerve root or ganglion block.
11 Id.
12 Wallack, supra note 4.
18 Id.
19 Id.
20 Id.
21 Id.
22 Id.
23 Id.
24 11 U.S.C. §362(a) (2012); see also Elizabeth H. Winchester, Expanding the Bankruptcy Code: The Use of Section 362 and 105 to Protect Solvent Executives of Debtor Corporations, 58 Brook. L. Rev. 929 (Fall, 1992).
27 Id.
32 Id.
33 Smith, supra note 13.
36 Id., at 562.
37 Wallack, supra note 4.
38 Id.
39 Id.
40 Id.
41 Id.
Electronic Service in Kentucky Courts
Jurors’ Perception of Expert Bias
Judge Olu Stevens Issues Challenge on *Batson*
Responsible Nursing Home Abuse Litigation

Joe Satterley is new KJA president, pictures on page 18.