

Chapter 1: Law Office Management

Commentary

“Total Quality Management” is the big buzz phrase in management.

Although one thinks of Japanese car makers when one hears about Total Quality Management, it was developed in the United States. Having lost World War II, they decided they wanted to see why we beat them. A large part of that was we out-produced them. By the end of the war, Japan had almost nothing, and we were flying planes over Japan at the end of the war in clouds. Like most losing sides in wars or litigation, they learned from their experience.¹ So, they came over in the 50s and found the Total Quality Management Concept that was developed by a professor over here.

Some parts of Total Quality Management have useful applications in the practice of law. Some parts have absolutely no use for us whatsoever.

If you ever worked in retail you were told, “The customer is always right.” In the world of Total Quality Management, you evaluate everything you do in terms of how it impacts on the customer. Your whole existence is justified by what you do for, to, or with the customer. For Total Quality Management, the customer isn’t just right, the customer is god.

Let’s try to apply this concept to a domestic relations practice. Your client is god. Let’s try to think what a divorcing god would be like. You’d wake up one morning and you’d have a blue sky and birds singing. You wake up another morning and it would be a plaid sky with skeletons flying across the horizon. The concept of the customer as god leaves something to be desired in our profession.

¹ Winning teaches you very little. Nobody came back from the Gulf War I going, “We’ve got to rethink what we’re doing.” We came back and said, “Hey we’re big guys, we can whip anybody.” So we ended up in Gulf War II.

People going through a divorce often behave in a childish manner². If you give your child five pieces of candy, what does the child want? More candy. If you give the child all the candy the child wants, the child will get sick and you will be a bad parent.

The goal here is to be good lawyers; and like good parents sometimes our job is to say “no.” “No, you cannot get out of child support by quitting your job.” “No, you can’t hide money.” “No, you can’t poke your spouse in their good eye.”

Empowerment

A useful Total Quality Management concept is empowerment. The people who do Total Quality Management act like they invented this concept. This concept goes back to the split between Western and Eastern civilization when the Greeks beat the Persians. Why did the Greeks beat the Persians? The men in the Greek army were defending their homes. They had a stake and an interest in the outcome in that war. The Persians had a bunch of mercenaries. The Persians had people to whip their soldiers into battle. These men literally stood behind the ranks with whips to whip the soldiers into battle. If things went badly, the Greeks had a reason to stay there and fight. On occasion the Greeks fought to the last man. If things went badly for the Persians, their soldiers had as much interest in running away from their army as to fight for it.

Empowered individuals are what power our economy. Individuals have a stake in what they own. The centralized state system, Communism, collapsed around the world. Empowerment works.

Let me bring this down to you in the law office setting. As smart as you are, you do not know everything. The more you involve and empower the people who work for you, the more powerful you make your practice. My paralegal knows more about word processing than I ever will, or ever want to. It’s not good allocation of labor for me to charge \$500 an hour to do word processing. It makes sense for her to do it and for her to know the shortcuts.

² My paralegal says the well-behaved ones behave in a childish manner.

An earlier version of empowerment was the concept of delegating a job to the lowest-paid person competent to do the job. That sends the job down to a worker. Empowerment elevates workers to the job.

Part of empowerment is sharing your knowledge. It's not to make a clone of you. You do not create some little mouse conditioned to run in mazes the way you want. You empower them by explaining the system to them. "This is how that works." "This is where you start." "This is what you do." When they understand, it gives them power. When they understand more, their input is more valuable and more useful to you.

This leads to a feeling of ownership by the staff. They feel it is their practice, not just the lawyer's practice where they work. We do our best for those things—country, firm, team—that we feel an ownership interest in. Staff should identify with the firm as theirs too. As Sun Tzu said in the 5th century BC, "The way means inducing the people to have the same aim as the leadership, so that they will shame death and change life, without fear of danger."⁵

On-Time Inventory

Another concept in Total Quality Management is "on-time inventory." On-time inventory means, if you are going to make six Toyotas, you have twelve bucket seats in inventory, because you do not want to pay for the time, cost, or money on extra bucket seats. Your suppliers are standing at the door waiting to give you the twelve bucket seats for that day and then the twelve bucket seats the next day. You have just what you need.

Now let's try to apply this concept to the practice of law. I am busy taking a deposition. I have my legal pad and am taking notes. We're about to get to the last page in this legal pad. I tell my paralegal to get another legal pad, but because of "on-time inventory," she has to go to the office supply store, pay retail for a legal pad and return to the deposition. How much did this cost? On-time inventory does not apply to what we do. The main inventory we have is time—do not waste it.

⁵ "The Art of War," Sun Tzu. Translated by Thomas Cleary. 1988.

In my office, we have a supply list, and when anyone needs something, they write it on the list. I have a partner who goes to Costco once a month. He buys what we need from Costco. When he went to Costco for coffee creamer, he came back with a 50-gallon drum of coffee creamer. We have enough coffee creamer to carry us to 2025. We do not have a bunch of grumpy people without their coffee creamer.

Take legal pads, for example. Never get to the point where you can count how many legal pads you have left. If you are down to counting how many pads you have, you do not have enough. Legal pad inventory should be measured in feet.

“How many legal pads have we got?”

“Oh, about a foot.”

“Well if we get down to less than a foot, we need to get some more legal pads.”

Reinventing

Keep fixing it. This is really an important concept in Total Quality Management. This is what I call the “Gulf War Syndrome.” When a military organization wins a war they think, “We are brilliant. We have this all figured out. We do not have to change a thing.” It is the loser who goes back and develops new ideas. The Germans lost the First World War, and tanks were part of that. By the Second World War, they were the masters of armored warfare—blitzkrieg. Think about it: how much do you learn from cases you win? No matter how well you are doing, you can do better. The goal is to be the best lawyer you can be. Most people can learn from a loss, but great people can learn even when they win.

This section contains forms, procedures, and so on for improving the practice you use in your divorce cases. A lawyer once told me, “I do not do law office management.” In reality, everything we do as lawyers is law office management.

Case Charts

Client Court-Opp. Atty.	Complaint	Answer & Counter-Complaint	Answer to Counter-Complaint	MBS	Pendente Lite	Discovery Ours Inter Product	Discovery Theirs Inter Product	Depositions	MDA	Pre-Trial-Aff-Memo	Other
AADVARK Chan: 21626-3 R. Zapatos 522-1111		Answer Due 10.11.16 Take Default Judgment			Set 1.5.17 RR-Subpoena Pay records RR-Have client complete expense And income form before 1.3.17	Sent. No response. Filed sanctions and set for 1.7.17	They filed nothing.		Sent to opposing counsel		RR-3rd Letter to opposing counsel regarding default judgment RR-Offer of Judgment by 12.1.16 LR-Call Zapatos
CANUT Circuit 123456-0 V.I. King 555-2222									Sent to opposing counsel.	1.4.17	Trial Set 1.4.17
VASSILATOR Chancery 7824-3 I. Diribag 555-3333 Post-Divorce Matters					Husband paying support voluntarily. Client says no hearing.		Due to client's refusal to follow the court's orders on discovery, we will put down a motion to withdraw.	Deposition of O. Thor Woman set 1.3.17			
SCUMBAG Cir: 567890-1 J. Brockford 555-4444 Post-Divorce Matters											Contempt Hearing 8.14.16 Timeline RR-Pull notebook for Larry by 8.13.16

RECEPTIONIST—DAILY CHECKLIST

(Check off each item each day as completed)

MORNING (beginning 15 minutes before office opens)

- Check for faxes that may have come through the night before. Distribute faxes.
- Get messages from answering machine. Note answering machine messages and distribute.
- Check coffee and hot water for tea—if not made, make it.
- Check dishwasher. Put up clean dishes.
- Stock bathrooms and kitchen with paper products, if needed.
- Unlock front door deadbolts.
- Turn postage meter on. Check postage on meter. Never let it get under \$200.
- Turn night ring off and disarm alarm.
- On Tuesday only. Get trash cans from street and take back behind building.

DAY (8:30 A.M. – 5:00 P.M.)

- Answer phones, gate, and front door. Direct phone calls to appropriate people.
- Keep track of where all firm members are. Pay special attention to anyone leaving the office.
- Greet clients and advise attorneys and staff of client's arrival—offer a beverage: coffee, tea (in non-logo black mugs), or water.
- As soon as faxes come through, take or email the fax to that person.
- Keep up with processing outgoing mail and faxes.
- Distribute mail.
- Let staff know if there are messages for them. Do not let messages sit at receptionist desk.
- Buzz and tell appropriate person or staff member if there is a message waiting.
- Straighten up waiting area and magazines in waiting area. Throw out old editions.
- Continue to check coffee and tea water throughout the day.

EVENING (beginning 15 minutes before office closes)

- Clean up kitchen. Load dishwasher. Turn on dishwasher. Turn off coffee and tea pots.
- Fully load paper in fax machine and copiers.
- Turn phone on night ring. Turn on answering machine. Verify it is working.
- Lock all doors.
- Put day's checklist on bookkeeper's desk.
- Take all mail to post office (if postman has already picked up for day)

OTHER: If you listen to music do not play it loud enough for others to hear.

Signature _____

DATE: _____, 20____

CLERK ASSIGNMENT SHEET

FILE:
FROM:
DUE:

1. Check originals and copies (all pages)
 - Complaint + 4 copies
 - Vital Stat Sheet + 2 copies
 - Summons + 4 copies
 - Mutual Mandatory Injunction + 4
 - Checks (Clerk and Ref)
2. Take divorce to Referee to be proctored.
3. File Divorce with Circuit Court—staple receipts on inside front cover below client card.
4. Record on upper-right front cover the court, division, docket number and date filed.
5. Completely fill out and stamp all copies.

_____ Have summons issued to us so we can serve defendant ourselves.

DATE

TIME SPENT
45 MINUTES

Checking original and copies.
 Issuance of checks for court cost.
 Trip to court.
 Proctoring of divorce by divorce referee.
 Filing of divorce with court clerk.
 Payment of court cost.
 Recording of court, division of court.
 Docket number and filing date.
 Completion and marking of all copies.
 Return trip to office.
 Get summons issued by clerk.

CONFLICT PROTOCOL

1. Initial phone call from potential client. Ask which attorney they would like to meet with. Send that call to the designated client intake person. If not family law, those calls go directly to Coble.
2. If the potential client does not know which attorney he would like to speak with, keep a rotating phone log and rotate through the three (3) partners.
3. The designated client intake person will immediately take the initial phone call from the potential client, write down the caller's full name, the name of their spouse, partner, other parent, etc., and phone number. Ask if any of the potential parties have had previous married names. Let them know that you will run a conflict check within our office and someone will call them back.
4. Look on the master conflict list and see if a conflict exists. Search for all last names of potential parties. Using the "FIND" command makes the task simpler. Check for potential misspellings. Email to all attorneys to see if a conflict exists. The attorneys will respond via email/call if a conflict exists. If no conflict exists, and no response is received from the email within one hour, the presumption will be that no conflict exists. A courtesy response from the attorneys is appreciated but not required.
5. If no conflict exists, list the potential client in alphabetical order on the master conflict list. Enter the date they called, last name, first name, the attorney's name and date of phone call, spouse/partner last name, first name, which attorney, and how they heard about us, and the type of matter (divorce/post divorce, etc.)
6. On the bottom of the pink (LR), green (Amy), orange (Coble) sheets, mark off each conflict that has been checked and initial the form upon completion.
7. Call potential client back and complete a client intake sheet. Go back to the master conflict list and make notes about status of potential (referred to someone else, financial situation, etc.)
8. If the client consults with the attorney, go back to master conflict list and write down the date of the consult. If they hire the attorney, note that they actually hired the attorney. If the client does not cancel and does not show up, enter status as "no call/no show." Include details of situation, if any.