

Utilizing Legal Assistants in Your Family Law Practice

Can your family law practice function in your absence? If you find yourself scoffing at the idea of taking time off during the middle of the week to attend a seminar, volunteer at your child's school or ski in the middle of the week, you may find the ideas about utilizing legal assistants in this article especially helpful. The last time the lawyer I work for was gone for a few days, both her secretary and I remained extremely busy, and I billed as many hours as when she was present. Working at that level is very fulfilling because it feels like you are an essential part of a team. Granted, if there was an emergency where a client required immediate legal advice we had another family law attorney who could help. However, the point is, when you utilize your legal assistants effectively, they are happier in their jobs; and it allows you the ability to manage your time and to choose whether you want to service more clients, attend a seminar or take that ski day. In preparation for this article, I spoke with several family law legal assistants to gain additional perspective on legal assistant utilization. Our conversations about utilization fell primarily into the three categories of work delegation, communication and relationship style.

Work delegation is the first area that will make an immediate impact in your practice. The legal assistants I spoke with said they all do a significant amount of interfacing with clients and drafting documents such as affidavits, petitions, findings of fact and order to show cause pleadings. In addition, some draft client correspondence and others attend hearings. It is a continuing dilemma for many lawyers whether to bill more hours themselves, or turn some of that work over to their legal assistant. The problem with not turning over work is that in the long run, you are not as productive. On the other hand, what happens when work is turned over to the legal assistant? It allows you, as the attorney, the opportunity to increase the amount of substantive legal work you do. For example, while you work on the legal issues of a case and advise clients, your legal assistant may draft an order to show cause and prepare interrogatories for your review. Rather than spend an hour drafting or dictating both of those documents yourself, you instead spend a few minutes making changes to the drafts and return them to the legal assistant. Now you have the time to work with another client. As legal assistant Jody Jensen mentioned, "The more you give us, the more substantive work you can do, and the more completely we understand the case, the more we are able to help."

It can also help your legal assistant's production levels if you have a uniform system for the types of pleadings that are done frequently in family law such as petitions, certain stipulation clauses and the documents involved in default divorces. For

example, on most petitions my lawyer can give me the basic criteria without dictating the entire document because she has developed preferred formats. I know I can use the format as a frame and provide the draft for her to review and revise as necessary. Not only do I prefer being trusted to know what to draft, but I can produce the document much faster than I can by listening and typing word for word from a dictation tape. Several of the legal assistants I spoke with suggested that each time a lawyer begins to draft a document, he or she should consider if it isn't something the legal assistant is capable of doing. Certainly, if it is non-billable, pass it along. If it is something new, you might need to teach your legal assistant the principles behind the type of pleading. However, the next time, she will be prepared to work on the pleading with less direction. Furthermore, family law clients often need to simply provide information, hear the attorney's direction repeated or talk to someone who understands their frustration with the legal system and the divorce process. These are the types of calls that are optimal for legal assistants. Again, this leaves you free to concentrate on items that go beyond the scope of a legal assistant's qualifications; plus, the legal assistant has challenging and rewarding work to do. Or, then again, it leaves you free to take that powder day.

It is important to remember that most legal assistants who work in family law do so because they enjoy the field and believe that their unique abilities contribute to a lawyer's practice. Those who have degrees and extensive training may be capable of more than you realize. I sometimes find that a lawyer is not aware of the types of classes legal assistant programs require for graduation. If it has been some time since you had that initial job interview with your legal assistant, it may help you determine what kinds of work she can do by discussing her legal education and experience again. Furthermore, encouraging your legal assistant to attend family law CLE broadens the scope of the issues she is familiar with so she can provide better support to you and your practice.

Of course, neither the legal assistant nor the attorney are robots and in order to share this work load, effective communication is vital both from the lawyer to the legal assistant and from the legal assistant to the lawyer. It is much like the real estate mantra; location, location, location. However, in our situation, as one legal assistant noted, it is communication, communication, communication. In part, the reason this is so important is because legal assistants are usually not as involved with a case as the attorney is and may only receive bits and pieces of information. Yet, they are counted on to produce work, such as affidavits, and keep track of documents that require knowledge of the case. Legal assistants are not just typists. Unless the legal assistant knows what goes on between those bits and pieces, she can't be as effective in drafting pleadings or communicating with either the client or opposing counsel, or worse, she can make mistakes.

Communication styles that help in the utilization of legal assistants vary from practice to practice. Some lawyers send frequent notes to their legal assistant to let them know the results of conversations, hearings, etc. and request that their legal assistant do the same. Others prefer to add notes in client files maintained in software programs such as Amicus. Using this method as an example, the legal assistant can open a client file maintained on the computer while on the phone and have a quick synopsis of the case status without having to wait for more information from the lawyer. Other legal assistants attend depositions, client meetings and hearings frequently enough that less formal communication is needed to inform them about a case. One legal assistant I spoke with said that being involved in the initial client meeting as well as having extensive client contact provides her with a good understanding of the case so that she "can take the ball and run with it" when assigned. Another mentioned that undertaking a full case review on a regular basis with her lawyer is a way she has kept up to date as well as helped to ensure that nothing was overlooked.

While communication is vital to utilization, the relationship between the lawyer and legal assistant is interconnected with and frames the communication process. Thus, for utilization to work well, the relationship must be recognized and worked on as in any other relationship using good communication practices. I am not suggesting that it is necessary for you take your legal assistant to lunch or know the name of her first goldfish, etc. Rather, the same skills we talk to clients about for their co-parenting issues, skills from that dust covered Getting to Yes book, or any other relationship/communication enhancing material you have read can aptly apply to your relationship with your legal assistant. Ideally, mutual trust and respect are the outcome of a good working relationship. Because of this mutual trust and respect, many legal assistants feel that they have a partnership with the lawyer they work for and are increasingly dedicated to the practice as the years multiply. Specifically, the legal assistants I spoke with mentioned several communication patterns that added to their ability to contribute because of what these patterns do for the relationship. For example, they are able to ask questions without being criticized because their lawyers have respect for their professionalism and desire to be certain of what they are working on. In addition, they receive frequent praise for work well done and are able to let their lawyer know when they are overwhelmed with work or have made a mistake without it turning into a blame scenario. When a good relationship is firmly in place between the lawyer and legal assistant, it can take a few knocks such as during trial preparation when tension tends to exceed good communication practices. Rather than allow a situation such as this to begin a degenerative communication spiral, good communication skills will assure that it remains an isolated incident and the relationship will bounce back. When these spirals are allowed to go unchecked however, either the legal assistant quits and the lawyer wonders if the problems were

really that bad, or the lawyer fires the legal assistant and the legal assistant is the one left wondering.

As one legal assistant noted, if you can find a legal assistant with similar work styles and you can work well together, she will be worth her weight in gold, or rather, her billables.

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