



by Gerry Riskin

# Delegating responsibly and effectively

*The excuses lawyers offer for not delegating work are many:*

- *"I'll lose control."*
  - *"The delegatee or student might botch it up."*
  - *"I need to maintain a level of billable hours."*
  - *"It takes too much time. I can do it myself just as quickly."*
  - *"I like to keep my hand in by doing some of these kinds of files myself."*
- or*
- *"It's my client and if I delegate the work I won't have the answers to questions I may be asked."*

*The fact is, these objections rarely stand up to scrutiny: Done right, delegation is a win-win-win-win.*

Delegating work, especially routine work, frees up the lawyer (delegator) to tackle more difficult and demanding work. It also better serves the interests of the firm and the client if these tasks are delegated to a lower level of competence in the firm. The delegatee (associate to whom the work is delegated) develops new skills and insights. The client receives quality work at an affordable price. Often, clients are also impressed by the higher level of motivation, enthusiasm, intensity and drive that an associate brings to the file compared to a more senior lawyer who considers the matter routine.

So the benefits of delegating – the art of getting things done through other people – are unassailable. Yet the process of delegating can be difficult for many lawyers.

Effective delegation begins with an understanding of your objective: Your goal is to maintain control and responsibility while motivating others to help you by performing at their peak performance.

First, you need to fully understand the nature of the client's work, and then determine what routine matters can be delegated to a junior, or what specific issues are best assigned to someone with more expertise than you have in that area.

You also need to be prepared for resistance from the delegatee. "I've never done anything like this," might be one excuse offered.

Or "I'm going flat out right now and can't see the light at the end of the tunnel," or "I have to give priority to a file for one of the other partners."

Overcoming this resistance is not as difficult as it appears. Sometimes resistance is most easily neutralized by simply asking questions which can be followed by some basic negotiating. One way to address the first situation might be to ask for more information on what is being done for whom and by when, which may lead to a simple solution of adjusting the timing or talking with the other partner. Understanding the art of delegating can overcome all the concerns and resistance identified above.

Confusion and client problems may result if a lawyer suddenly begins delegating responsibilities to untrained juniors. A gradual approach to delegating is best. Each lawyer should identify client work that can be delegated. The effectiveness of delegation can be enhanced through training and practice.

Being effective at delegating client work requires trust in the delegatee. That trust can be enhanced through proper supervision and coaching. Many abdicate instead of delegate, and then complain about the inadequate result.

Based on research that Edge International has conducted over many years, we have determined that there are six key steps to effectively delegating work on a file:

## 1. Advise your delegatee of the framework of the matter

"As you can see from your preliminary review, this has the ingredients of a fairly contentious contractual dispute. Our client is a company that the firm has represented in numerous corporate, taxation and labour matters. Some time ago they entered into a joint venture with this other company on a fairly lucrative government deal, and now the relationship has soured."

Many lawyers may choose to give the delegatee the particular matter to review in advance of discussing it in detail.

When you finally come to review the file, you need to explain the matter and how it fits into the bigger picture. The person to whom the work is being delegated must have an appreciation of your views of the file, its priority and the likely result. When the matter is underway, the delegatee will perform better if the background is understood. He or she needs to understand the broader context in order to exercise good judgment and be flexible if things prove different than expected.



Gerry Riskin

## 2. Define the particulars of the client's expectations

"Our client has some real concerns over the loss of revenue because of this dispute. I indicated that we would examine the relevant agreements and documents early this week, initiate a claim within two weeks, and push for speedy discovery. If at any point you feel that we won't be in a position to move things that quickly, please warn me."

By covering client expectations you will give the delegatee a better sense of your responsibilities to the client; you will also reduce the likelihood of surprises on the file. Clarifying client expectations provides the delegatee with a guideline and helps keep her on track.

## 3. Communicate any limitations of time, money or other resources

"I'm assuming that time spent drafting pleadings won't exceed three thousand dollars, and that you can make this matter your highest priority over the next two weeks. Unlike most other matters we are handling in this firm, time is more important than money to this client on this matter."

Many misunderstandings can occur if the delegatee does not understand the urgency or seriousness of the matter, or financial constraints. Therefore, you need to tell the delegatee how much you expect to be spent on the assignment. We all function better with a clear idea of the boundaries in which we can operate.

## 4. Ask the delegatee to restate the assignment for understanding

"Okay, let's review what you see as the general scope of this matter. Why don't you summarize what you anticipate doing as a result of this discussion."

The best way to review the delegatee's understanding of instructions is to ask the delegatee to repeat his or her understanding of the task. In asking the delegatee to restate the assignment you might accept some responsibility for giving clear instructions.

"Just to make sure I explained it clearly, tell me your understanding of what we need to have done."

Clarify it now instead of waiting for potential misunderstandings to emerge. A review of the basic matter, priorities, and questions the delegatee has will improve the level of enthusiasm and commitment to the task.

## 5. Discuss your associate's ideas for completing the matter

"Based on your own experience, have you any ideas about this matter that we haven't discussed yet?"

By discussing the associate's own ideas, you can get a sense of how well the matter is being grasped, provide suggestions, or explain where the delegatee can get help, and cover important areas that would otherwise be missed.

If the delegatee suggests an innovative course of action and you approve, you get the double benefit of better work and increased motivation.

## 6. Establish monitoring procedures

"Let's compare notes after your initial meetings with the client and set a time early next week to review your draft pleadings. How about Tuesday morning at nine, right here?"

Delegating does not mean losing control. Specify what you want the delegate to report and how often. Explain how and when you'll touch base. Even though you want the delegatee to assume a certain amount of responsibility, the ultimate responsibility to the client rests with you. Remember – you're delegating and not abdicating responsibility.

For best results, you need to delegate with quality. Provide specific instructions in a focused, calm way. Ensure the delegate understands the context into which tasks fit, and communicate limitations. Obtain input and feedback from those to whom you delegate, based on the delegatee's understanding of the matter and experience with similar work. Establish timelines and deadlines, and set up a schedule for supervision and feedback.

Although this process sounds time-consuming, it takes less time than does ineffective delegation. If you delegate effectively, people will understand what you need them to do. You end up with a higher quality work product, and will spend less time correcting mistakes and redoing work that could and should have been done properly in the first place.

---

*Gerry Riskin is a lawyer, and partner and co-founder of Edge International, an international management consulting firm. Writing credits include The Successful Lawyer (book and Audio Program – ABA 2005) and Practice Development: Creating The Marketing Mindset, Herding Cats and beyond KNOWING. He is also co-creator of the acclaimed video productions Practice Coach® and Rainmaking®.*