

he gave was that no one taught him anything. There was not even a ripple for the firm with a good reputation.

So, let us get to the heart of the matter and the main reason we are concerned with such personnel matters, morale and how it affects the performance of others. Many people have said there are no secrets in small towns and that is true in small law firms as well. Throughout your career you will likely spend more time with your staff than you do with your family. They get to know you and you get to know them. More importantly, they get to know one another. Although you will always have a situation in your office where an employee will misjudge (sometimes severely) the performance of a co-worker, for the most part they know. They often will not say it, but they know. If you have to let someone go for good cause, enough people will have expected it and you will likely not see any effect on office morale. On the other hand, if you let someone go to make a job for your cousin's daughter/son . . . Well, you go into that one eyes wide open.

What does this all mean? I truly believe the answer to this question has changed over the last several years. Most people today are looking for a personal connection in

their business lives. We, as employers should be open to such a relationship. The only caveat to this is as long as it does not affect management's objectivity when it comes to personnel decisions. If an employee is not doing well, then they must be told they are not doing well, irrespective of whether you attended their wedding or don't know anything about their personal life. (No need to worry about how to handle telling an employee they're doing well, that's pretty obvious, regardless of the relationship.) We are all running businesses. As managers, we are responsible for many people being able to keep food on their tables. Putting the health of the law firm first is of paramount importance.

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“Management by Walking Around”

By Dan Lindstrom



In our techno-centric, high demand world of law practice, how does a busy lawyer make any progress toward managing the practice of law and improving upon it? Certainly not by staying cloistered in your office with the door closed, two computer screens before you, a phone in your ear and your cell phone in your lap. Let me share some low-tech and simple tips about a topic that I have always referred to as, “Management by Walking Around.” Checking Google to see whether I have borrowed that term from somewhere, it appears that I have—maybe from something written by Jay Foonberg or some other ABA or DRI LPM guru. (Foonberg has written and spoken about law practice management for many years. See his sixth edition of *How to Start and Build a Law Practice* (2016) available as an e-book at <https://foonberglaw.com/tag/build-a-law-practice/> If you search this term, or the term “management by wandering around,” you will see that business management authors have written a great deal on the topic of “MBWA”

since at least the early 1980s. See, e.g., [“Why Wandering Works Wonders for Managers,”](#) strategy+business blog post August 2, 2018 (noting that Tom Peters and Robert Waterman popularized “MBWA” in their 1982 book “In Search of Excellence”).

While it is easy to get into the ditch about the deep philosophical underpinnings of MBWA, the practical point here is to encourage you to change your focus from that of your desk or cubicle and instead to see your organization with the eyes of your employees or clients—for example seeing what your clients see when they enter the physical or virtual front door of your office.

When did you last do any of these pretending to be a client: Walk through the front door? Call your office on the main phone line to hear how the receptionist handles the call? Search for yourself and your firm online? Enter your firm's website while wearing your “client goggles?” What did you notice that you liked—or didn't like? Perhaps

you saw the dated décor, the trash in the parking lot or the weeds in the landscape. Maybe you discovered a rude or unresponsive receptionist, or worse yet, that you have no live person answering the phone and instead use a recorded voice and an unintelligible menu. Maybe your website is old and dated, unflattering, or simply pays homage to your greatness. Think about what message any of these might convey to clients and others about your or your firm.

Okay, that was a good start. Now let's think a bit bigger. At least two important categories of management are encompassed by the MBWA concept: Marketing (to clients, the public, your staff and people you want to recruit); and the state of the physical plant that is your office (fire/life safety attributes, the perception and satisfaction of those who work there, ethical obligations, security, etc.). Have you looked at the rest of the operation? Get up out of that chair again, take off your lawyer blinders and "walk around" the place: How are the conference rooms, break rooms and restrooms? Who has the technical competence to know if "stuff" (like toilets, lighting, environmental controls, fire extinguishers) is working properly? If you are not that person, then find out who has that set of skills and have them "walk around" with you. Determine whose job is it to take care of these things—sometimes it might be you, a committee or your landlord. Determine what needs to be fixed and how urgent that need might be. Then develop the plan to repair, renew, redevelop and remodel, and budget time and money accordingly.

A specific and important category of this is a virtual walk around (and through) your digital assets. This might take yet another level and kind of technical competence. If you

don't have it make sure to find someone who does. Is your firm's (and thereby your client's) data secure from hackers, phishers and other internet malcontents? Do lawyers and staff understand how to avoid these attacks and the rules about use of the firm's computer assets, as well as the rules about connecting their own personal devices to your network? What, you don't have any rules about that? Let's discuss that further on another day.... For now, make sure you have the best people on the job of maintaining this part of your practice.

It is important for everyone in the office to undertake the MBWA exercise, whether your management role consists of just building your own practice and hoping to be a partner or shareholder someday, or whether you are already there. People in your organization need to become adept at "walking around" so that they understand the issues and they are prepared to successfully take over the managing partner job someday. Besides, nobody in the organization is too good, too busy or too important pull a weed or to pick up trash!

Dan Lindstrom leads the law firm of Jacobsen Orr (jacob-senorr.com), a firm with a broad variety of practice areas centered in Greater Nebraska. Lindstrom's law practice includes business practice and litigation in insurance, personal injury, business, corporate, agriculture, natural resources, water, zoning, annexation and other disputes. Among his numerous professional and volunteer roles, Lindstrom is currently the immediate past president and a member of the board of directors of the Nebraska Defense Counsel Association. He also currently serves as the DRI Nebraska State Representative.

A Business Case for DRI

By Stacy L. Moon



It is a common situation. At the end of a quarter or year or even monthly, business partners review billable hours and non-billable hours. If an active DRI member works with non-DRI members or DRI members who are not active (but they should be), frequently, the business partners look askance at the number of non-billable hours included in the billing reports. Fortunately, most active DRI members are aware of the time they spend and are conscientious about ensuring that their billable hours, and their collectable

amounts, so that they defend the time and energy they put into DRI. Nevertheless, if you have not considered or made the business case for being involved in DRI recently, a review and refresher may assist as the quarterly reviews come up again.

Referrals

Most lawyers who understand the practice of law is a business focus on the amount of money that an activity can