

Risk video bites – Delegation

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Most would agree that the profitability of a practice depends on who does what work. Accepted wisdom is that you need to delegate well to be profitable. What is appropriate delegation and supervision looks like, is not always clear cut, and the stakes of misjudging it are high.

If you get it wrong:

- you can become vicariously liable for employee negligence. It's not unheard of for principals of small firms to become liable for hundreds of thousands of dollars due to an experienced but over-committed employee mishandling a matter.
- Or, you can be subject to a disciplinary action for a breach of professional obligations (such as failure to supervise or maintain appropriate management systems).

More broadly, misguided delegation can undermine teamwork, and create an environment that is hostile, stressful and prone to claims. This can ultimately lead to a drop in the wellbeing of staff, the loss of staff, low profitability and little to no business development.

Delegation and supervision go hand in hand. I am going to talk about delegation in this video bites and tips for effective supervision in another.

In law firms, there is a spectrum of delegation levels.

- At one end – there are the one-off tasks suited to a junior lawyer. These can be researching advice on a specific topic or doing discovery on a file.
- At the other end of the spectrum are the lawyers or clerks that are running their own file loads.

You might not think of this as delegation but it is, as those people are acting on behalf of the partners of the firm.

Ben Richards from Aticus, who spoke on delegation at one of our risk management intensives, put forward the proposition that the underlying reason and purpose to delegating, is to develop your employees so they can do higher level work for you in the future. To achieve this, you need to accept that it will be time consuming initially, but that it will reward you later.

To help you, here are a few things on delegation to keep in mind.

Plan

When giving work to employees you need to plan both 'what' and 'who'.

What work can and should be delegated?

Who is the best person to do the work? That is, who has the capacity, and then who has sufficient skills and experience (with the right supervision) to do the work?

Communicate

You need to communicate the what, why, when and how of the work, especially when giving specific work to a junior lawyer.

There have been spectacular failures where junior lawyers have failed to produce the right material from their research, because they were not given adequate context and information at the start. For example, a 30-page treatise on an area of law was produced when what was required was a review of case law on a particular provision in an Act.

It is also important that employees understand the limit of what they are expected to do on files.

Investing in good delegation practices is well worth your time, and it can only make your job, as well as everyone else's, easier.

Our next video will look at the need for, and the strategies to use for, effective review and supervision of work once it is delegated.