

LEGAL PRODUCTIVITY

An Overview For Lawyers & Law Firms

Written For

SPECIAL COUNSEL

By

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WORK SAMPLE

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Boosting productivity in a legal environment

It's no secret that, at the end of every work day, output can differ radically from one legal professional to another. But what separates the productive from the unproductive? How can you get more done in less time? What tools and techniques are essential to becoming the most productive legal professional you can be for yourself and for your clients?

Every day, we work with top legal professionals in legal departments and firms across the country. In our experience, we've observed that productivity is not a function of racking up hours-on-the-job; it is about doing the most important things efficiently and effectively, and making conscious decisions to exclude the time-consuming distractions that keep us from our highest goals.

Your clients are already evaluating your productivity



Today's buyers of legal services have numerous available options when choosing between service providers. During the recent recession, these buyers learned to pay close attention to the legal bills they received. They became less shy about challenging fees that seemed out of line with the value of those services. They began to differentiate lawyers (both those in their own departments and those in outside firms) according to how much value these professionals added.

The lesson? Your current and potential clients are capable of recognizing (and selecting) lawyers and firms that are uncommonly productive, and they are more than willing to turn away from those legal professionals who aren't up to speed. Practitioners who accept this emerging trend — and who make it their business to cultivate increasingly effective work practices — stand to benefit in terms of reputation, revenues and results.

Personal productivity and organizational productivity

Because legal professionals typically spend considerable time working alone or in small groups, individualized work styles are the norm; consequently, their productivity practices also vary considerably from person-to-person.

However, the individualized nature of these practices doesn't mean there isn't a role for legal managers to promote productivity. Managers can play a crucial role by alerting legal professionals to the best tools and techniques available, and then providing the necessary technology and training. After that, staff members can decide for themselves how best to use (or not use) these tools to get things done.

In an office setting, of course, a certain amount of standardization is mandatory. Without common systems (for communication, finance, personnel, etc.), a group can quickly find itself spending a lot of time just trying to coordinate all the moving pieces. If your corporate legal department or law firm is a large one, it's likely that you have management and HR staff who have experience in designing and implementing organizational systems — and when such “tweaks” are done strategically, the productivity gains-over-time can be substantial.

Efficiency versus effectiveness

At the outset of a productivity program, it may be useful to clarify the difference between measures of efficiency and metrics of effectiveness, the latter of which is more challenging to improve.

Efficiency

Completing assignments in less time while eliminating unnecessary distractions. When comparing your services with those provided by competitors, the efficiency of your work will constitute an important measurement.

Effectiveness

Thinking differently, adopting innovative methods and finding a way to deliver uncommonly good results. Clients equate winning results with value, and professionals who can yield these results are viewed as productive. Thus, when you create more value, you become more productive.

Increasing your effectiveness may well require experimenting with practices that cause you to be less efficient — at least in the short term.

Does productivity have its limits?

The traditional legal culture celebrates individuals who dedicate themselves wholly to work matters — even though a sustained routine of these excessive schedules can lead to burnout, substance abuse and personal problems.

Undoubtedly, there also is a steady drop-off in productivity when the number of work-hours-per-day stretches beyond what is healthy for a particular individual. Productivity experts are unanimous in stressing the benefits of regularly taking breaks. By stepping away from work — and sharpening the saw through rest, recreation and personal development —

“Although many of us can’t increase the working hours in the day, we can measurably increase our energy. Science supplies a useful way to understand the forces at play here. Physicists understand energy as the capacity to do work. Like time, energy is finite; but unlike time, it is renewable. Taking more time off is counterintuitive for most of us. The idea is also at odds with the prevailing work ethic in most companies, where downtime is typically viewed as time wasted.”

- Tony Schwartz, CEO of The Energy Project

workers enhance their ability to make meaningful contributions and actually become more productive.

Decide on the number of hours that is optimal for you to spend, and then consciously attempt to accomplish your priority goals within that time frame. When you are disciplined in your focus on high-priority tasks, you might

be surprised at the number of discretionary activities that can be left behind. Will there be times when an emergency (or an urgent request from your boss) throws a monkey wrench into your well-oiled workflows? Absolutely — and that’s all the more reason to be disciplined in managing those things that you can control.

The power of “no”

Spend time with someone who enjoys a reputation for being highly productive, and you’re likely to notice something: They are not afraid to say “No.”

These productivity gurus are focused on their highest-value targets — and they guard their time jealously. Before they allow a distraction (or an opportunity) to interrupt their schedules, these people assume that it isn’t likely to be more important than the tasks already on their priority lists. Does this mean that productive people are inflexible? Sometimes that’s true. But by managing their time well, these people have sufficient flexibility to take advantage of those truly game-changing opportunities that occasionally do arise.

Optimizing productivity

Optimal approaches for improving productivity vary widely — not only from firm-to-firm, but also for each individual in an organization. Among the factors to consider:

- Nature of the assignments
- Technology resources
- Management structure
- Predictability of workflow
- Age, education and experience of staff
- Administrative systems

With so many potential variables, how can organizations decide where to begin with a productivity-improvement program?



Where to begin?

Sometimes, there is a “pain point” where an element of the firm’s current practices is widely recognized as inefficient and problematic. Where this is the case, a change-agent has the opportunity to build support by successfully addressing the sore thumb.

A more common scenario, however, is where there are numerous productivity “leaks” which differ considerably among departments, job levels and individuals. In these instances, an effective approach may be to educate staff members and make strategic investments in productivity-enhancing strategies, tools and technologies, such as the ones discussed on the following pages.

Productivity systems

Taking an enterprise approach to productivity

If long-term productivity gains are the desired result, individuals and organizations need to adopt best practices for managing work — and to cultivate a system customized for their particular needs. Unfortunately, many time-stressed individuals initially resist making these essential investments — resulting in exchanges that require a measure of diplomacy:

Q. “I just want to *do* something. Can’t I become more productive just by “cherry picking” those tools and techniques that strike me as best-suited to address a particular productivity challenge?”

A. Certainly — and cultivating this kind of do-it-yourself sensibility is a core capability in every legal career today.

However, without a company-wide approach and philosophy in place to guide our efforts, we may miss out on opportunities for improvement and be more likely to spend time and money in ways that don’t deliver the best results. In contrast, investing just a few hours in productivity-related education will bear fruit for years to come. We’ll have a common language as we discover how to accomplish more in less time.

Getting things done

The “godfather” of the productivity movement is David Allen, a time-and-life-management consultant whose book “[Getting Things Done](#)” was proclaimed “the defining self-help business book of its time” by TIME Magazine.² That book spawned Allen’s GTD® brand — and GTD® practices that now are enthusiastically embraced by productivity seekers around the world.

² Caplan, J. (2007, March 7). The Oracle of Organization. Time.



GTD® is both a mindset (a productivity-oriented way of thinking about your work) and a potent system for managing commitments, information and communication. At the heart of this system are five discrete steps³, which Allen defines as:

1. Capture: Collect what has your attention
2. Clarify: Process what it means
3. Organize: Put it where it belongs
4. Reflect: Review frequently
5. Engage: Simply do

When practiced conscientiously, GTD® results in a trusted system that reliably captures and prioritizes all projects and tasks. GTD® frees one's mind to focus on what's most important — and to avoid those disruptive crises when something big slips through the cracks. The book is required reading for anyone serious about productivity.

³ Allen, D. (2014, January 1). Five Simple Steps That Apply Order To Chaos. Retrieved June 1, 2014, from <http://gettingthingsdone.com/>



Exploring productivity tools

Once a system has been embraced and priorities agreed upon, productivity-minded professionals often search for tools to help implement the new strategies.

Armed with clear understanding of specific productivity goals, practitioners can narrow their options by researching the experience of similarly situated organizations. Often, however, research alone provides only limited information — as the nuances of particular tools can only be appreciated by living with them for a while. Consequently, cultivating a trial-and-error mentality is a core capability for building a technology “toolbox” that works best for your tasks and workflows.

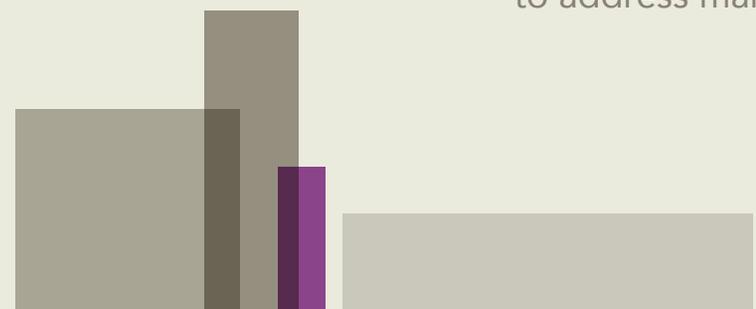
What productivity tools should legal pros look for?

Generally speaking, legal professionals should be looking for productivity tools that help them in core areas, including:

- Practice management
- Case management
- Document management
- Calendar management
- Financial management
- Contact management
- Time management
- Information management

Productivity gains through the cloud

In recent years, many firms have embraced a growing number of cloud-based solutions that offer a “suite” of integrated programs to address many of those common needs.



Practice and case-management tools

If you're interested in reviewing practice-management software options (whether premise-based, cloud-based, or a hybrid of the two), you might begin by reviewing the American Bar Association's [Legal Technology Resource Center](#). Included on the site is a [detailed chart](#) that compares practice and case management software offerings by highlighting pricing, technical requirements, intended front- and back-office functions and other details.

Many of the products listed in that chart — and numerous others — are listed here. Although this list is not all-inclusive, it may prove useful in facilitating your research.

CLOUD-BASED SOFTWARE

Clio	Firm Manager
Credenza	Firm Central
Rocket Matter	MyCase

HYBRID SOFTWARE

AbacusLaw	HoudiniEsq
Amicus Attorney	ImagineTime

TRADITIONAL SOFTWARE

Amicus Attorney	Time Matters
Needles	PracticeMaster

Task-management

There's no "perfect" task-management system or application. Unfortunately, many productivity aficionados have spent untold hours in search of a Holy Grail approach that would magically solve every workflow problem. Remember: What's critical here is committing to a single "trusted space" where all of your tasks can be kept and managed.

Among the many capable task-management applications enjoying widespread popularity today are the ones listed here. Read a few reviews, and then sample the apps that seem best suited to manage your most important projects.

A virtual assistant in your future?

How often do you find yourself performing a task that must be completed but has you asking, "Is this the best use of my time?" If you're finding that there are many such tasks every week, perhaps it's time to consider a "virtual assistant" — an individual who contracts with you for a set number of

TASK-MANAGEMENT SOFTWARE

Any.do

Carrot

OmniFocus

Outlook

Wunderlist

Task

Things

ToDoist

Remember The Milk

weekly hours. These assistants may perform background research, file organization, social media work — whatever it is that you simply don't have time to do.

It's true that many lawyers shy away from having sensitive matters (eDiscovery, for example) outsourced to third parties. Nevertheless, there are numerous day-to-day items on a typical legal professional's to do list that could easily be delegated with no significant security concerns.

Information management

Managing notes and information

Given the sheer number and variety of apps and websites that offer to collect tidbits of information, it is all-too-easy to find oneself confused about what data should go where. In order to make sense of this jumble of documents, PDFs, JPEGs, images, URLs, phone numbers and apps, choose as few “collection buckets” as possible to store your information. Be mindful, however, that this kind of “minimalist” practice requires you to select flexible and robust applications/sites that can effectively meet all your information needs.

Leveraging an expert

While tools and apps can help you store and sort your critical information, knowing how to access it quickly and put it to optimal use are other challenges altogether.

INFORMATION MANAGEMENT SOLUTIONS

Evernote

Microsoft OneNote

DevonThink

Fortunately, there are information management professionals who specialize in helping you utilize your information with speed and efficiency. Special Counsel Information Management can give you instant access to these professionals on a temporary, project or permanent basis. This flexibility enables you to manage your information as well as your workload and budget.



Document management

Documents are at the heart of every legal professional's work life — so any "friction" in how documents are managed is bound to hurt productivity. The good news is that courts, clients and firms all are increasingly likely to produce these documents in digital formats. In these cases, productivity gains can be realized by proper filing and organizing.

Consider how much time you have lost searching your computer for a document that you know is there but just cannot find. If you don't have a unified filing system for organizing information, now may be the time to create one. Depending on your computer system, you may find that using meta-tags — simple digital labels that facilitate searching — saves time and provides peace-of-mind.

PDF productivity

PDF files increasingly are becoming the lingua franca of business communication — and that means you're likely to be dealing with a lot of them. Are there productivity gains to be had in how you manage PDFs?

For a good overview, listen to [this interview with attorney Ernie Svenson](#) on "The Digital Edge" podcast.

Svenson blogs about technology and productivity for attorneys. One of his websites is [PDF For Lawyers](#), which contains a number of useful resources — including those listed below:

- [Tutorial from Federal Judge Nuffer](#) (Utah) on the differences between "text" PDFs and "picture" PDFs
- [Adobe tutorial videos on using Acrobat XI](#) for more effective PDFs
- [Rick Borstein's guide to Acrobat PDF redaction](#)
- [Aaron Krigelski's "Hyperlinked Electronic Briefs" blog](#)

Going paperless

Despite the widespread adoption of digital documents, legal professionals continue to produce a lot of paper. These physical documents clutter our desks, jam our file cabinets and never seem to be at hand when we're working remotely. That's why productive legal pros are adopting "paperless" practices — digitally scanning every scrap of paper and using optical character recognition (OCR) technology to make each document's contents findable via "search" commands.

Attorney David Sparks (aka "MacSparky") created the definitive guide: ["The MacSparky Paperless Field Guide"](#) — which has been widely praised and often cited. For another lawyer's point of view on the nuts-and-bolts of making a paperless system work, see Sam Glover's post: ["How to Design Your Firm's Paperless Workflow."](#)

One tool getting consistently good reviews from legal professionals in the "paperless" community is a wireless scanner — the [ScanSnap iX500](#) from Fujitsu. With a scanner like this — and a well-engineered workflow

such as those described earlier — lawyers and staff members can capture the low-hanging fruit in the garden of productivity.

Taming the email beast

Email remains the predominant vehicle for exchanging information — with clients, colleagues, courts, vendors and personal contacts. Although this communications technology has been widely used for decades, many people still suffer from email-management practices that stifle productivity.

Happily, there are good guides and new technologies available to improve efficiency and effectiveness in this essential area of every legal professional's workflow:

- David Allen's email-management prescription begins with his [two-minute rule](#), which directs practitioners to immediately handle any email response or task that can be completed within two minutes. (Those that require more time are channeled through his "Getting Things Done"® matrix.)
- Practitioner Dennis Kennedy's article, [The Fourfold Path to Email Enlightenment](#), has stood the test of time — and still contains

useful guidelines for taming a lawyer's email problems. (Spoiler Alert: Kennedy's guiding principle is a simple one: Protect Your Inbox.)

- Merlin Mann's ["Inbox Zero"](#) presentation has attained cult status among productivity gurus, and it offers insights on how email claims our attention and shapes the way we manage time.
- The most current — and comprehensive — treatment of this subject is ["The MacSparky Email Field Guide"](#) by California attorney David Sparks. This iBook features audio interviews, video screencasts and extensive tips on everything you need to know about email.

In addition to the above resources, there are numerous technologies, plug-ins and systems for sorting and filtering your email stream. "Stop drowning in Email!" is the advertising headline for [SaneBox](#), an email-filtering program that prioritizes important emails and creates summaries of the rest. The SaneBox technology seems to have won the hearts and minds of productive people across the country; perhaps it can help you, too.

Monitoring progress and avoiding productivity traps

Capturing and monitoring relevant data

For anyone in the legal profession, productivity issues need to be on the radar screen at all times. Sure, everyone has days when — for any number of reasons — they don't accomplish as much as they would have liked. But if these less-than-productive days start showing up frequently, it's time to find out why — and to come up with a better way.

In order to recognize a productivity problem early on, you need to be actively paying attention — and tracking results in a systematic way to do just that. The data portion of this monitoring system is relatively easy, especially if you're in a firm where timesheets and billable hours are ubiquitous. If you're in a corporate legal department, you may need to set up your own calendar system for tracking how you spend your time.

If you don't see yourself succeeding with a time-tracking system requiring your ongoing input, you might consider one of the “always on” software products that automatically records time blocks according to software in use, websites accessed, etc. [Chrometa](#), for example, is one such cloud-based service.

Pay attention to the “soft” metrics

Hours tracking (and other quantitative measures) are easy to set up and monitor — and are useful for showing patterns (and, perhaps, providing motivation). But it’s the ongoing, anecdotal information you provide that can best facilitate a change in your consciousness — which is a necessary precursor to transforming behavior.

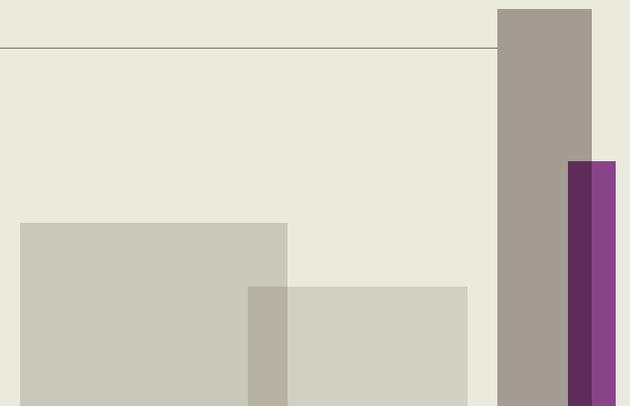
By capturing these “soft” metrics, you’ll be better able to measure the quality of your work. Carry a Moleskine notebook — or try one of the terrific smartphone journaling apps such as DayOne. Then make a practice of capturing a note at the end of each day, summarizing your productivity and noting patterns — both good and bad — that can serve as compass and course-correction as you sail forward.

Pay attention to the results that flow from the projects you tackle, and keep a detailed record of any feedback you receive. When productivity programs result in work that is better — and not just more — you (and your clients and colleagues) will have a new-found appreciation for the improvements you’ve made.

Avoid the “productivity procrastination” trap

In the rapidly evolving world of technology, there are always going to be attractive new systems and software products that promise to solve all your productivity issues. Many of these products may, in fact, be extremely well suited to meet your particular needs. Be wary, however, of the well-known tendency to procrastinate by “fiddling” with productivity apps and techniques, rather than doing real work.

Get started with a few tried-and-true productivity boosters, integrate them into your workflows and routines until they become second nature, and then allow yourself to try something new. Don’t succumb to the lure of “productivity procrastination” — those seductive distractions that sap your time and attention, leaving you with nothing accomplished at day’s end.



For more information on any of the tools, technologies or systems discussed in this white paper, or for help implementing them in your firm or company, contact your local Special Counsel office or visit specialcounsel.com.