

FOR YOUR PRACTICE

LAWYERS CONCERNED FOR LAWYERS

Lawyer faces discipline, but unwilling to hold office manager accountable

Q: I can scarcely believe that I may find myself subject to a disciplinary hearing that I fear could harm my reputation. I never touched client funds, etc., but have been so busy (thriving solo practice, family/community activities, etc.) that I took too long to get to some tasks and generated client complaints.

I now recognize that my new office manager, a fine young person who really needs this job, has not been nearly as attentive to the big picture (and to helping keep me organized) as his predecessor. But I've always tried to do the right thing, and now I'm dealing with embarrassment, anxiety and wondering where my career goes from here.

A: Your story confirms our experience that professional discipline cases often represent good people behaving in ways that are unwise and insufficiently self-protective. Good intentions, though they may distinguish you from some of your less honorable brethren, go only so far when it comes to your responsibilities to your clients, which are focal concerns of the BBO.

We have found that many sole practice lawyers, for all their talents in representing their clients (analyzing complicated situations, formulating legal strategies, etc.), are far less adept at organizing files, communicating with clients, staying on top of billing, and maintaining awareness of deadlines and priorities.

In your case, your efforts to maintain a "life-work balance" may require a re-evaluation of what you can reasonably expect of yourself, both on the job and off. In addition, it appears that you have been doing what we've seen many attorneys do — delegating without managing, based on the unwarranted assumption of employee knowledge, capability, and interest.

A proficient office manager (or legal secretary or paralegal) can be crucially helpful to someone in your position, but

it is your responsibility to yourself to select the right person for the job (not necessarily the first applicant, or the one you've known a long time, or the one who needs the job most) and to systematically monitor the quality of his or her work.

An irony here is that lawyers who find themselves in your position are often *overly* responsible — to others. They may take on projects and clients that others might shy away from, and they are generous with friends and charitable pursuits, but they are insufficiently responsible to *themselves*.

In this case, responsibility to yourself includes measures to protect yourself from burning out, discerning which tasks you enjoy and do well, and learning to say "no" to those that are likely to override your own needs. Attending to any signs that those on whom you rely may be dropping the ball, and not taking on so many tasks that you lose track of your own needs. You might regard your current professional crisis as a "wake-up call" to take a fresh look at your decision making process and ways to better avoid pitfalls.

If, objectively, the disciplinary process is likely to result in suspension, this is also the time to make plans on how you will deal with it, professionally and financially. LCL and LOMAP offer individual consultations, various groups, programs, and referrals that may help you manage your present situation and stay on course in the future. ■

Questions quoted are either actual letters/e-mails or paraphrased and disguised concerns expressed by individuals seeking assistance from Lawyers Concerned for Lawyers.

Questions for LCL may be mailed to LCL, 31 Milk St., Suite 810, Boston, MA 02109; e-mailed to email@lclma.org or called in to (617) 482-9600. LCL's licensed clinicians will respond in confidence. Visit LCL online at www.lclma.org.