CHECKLISTS AND FORMS

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I'm a firm believer in ensuring consistency and accuracy by using checklists and forms whenever possible. I apply this basic approach to as many areas as possible. The overall timesaving and consistency is always worthwhile.

For example, I recommend that when you send an email to the same group of people for a second or third time, you take the time to make a distribution list. Thereafter, as long as you need it, it will ensure you spend less time addressing and not risk accidentally omitting someone or including someone inappropriate by clicking on the wrong name in auto complete.

Sometimes I am amazed that fundamental aspects of organization and efficiency elude some attorneys and firms. I was recently reminded of this when discussing start-up issues with a hotline caller. An experienced attorney was preparing to go out on his own. His career to date has been spent at one firm. When he asked whether it made sense to use some kind of intake form for new clients, I was stunned. Doesn't every firm do that? Amazingly, no.

There are many reasons why firms don't utilize checklists and forms to the extent they should. Creation of effective checklists and forms requires an investment of time for analysis, thought, and documentation. If it is not viewed as a priority, billable work will always come first. In some instances, a pang of insecurity creates resistance. Those who believe that knowledge equates to power will rarely codify or document what they know. Doing so will enable others to do what they do, maybe even better, and that thought is scary, indeed. There's a strong sense of job security created when no one else can do what you do.

Checklists aren't just a tool for complex tasks. Even routine and mundane tasks can be handled more quickly and accurately when a checklist is employed. And let's not forget that a great checklist makes it far easier to delegate work with greater confidence.

Here are just some examples where use of checklists and forms will produce a great result in a law firm setting:

- Training and orientation for new hires -- ensure that everyone is properly informed about and enrolled in benefit plans, familiar with the firm's technology, policies and procedures.
- Lateral hire indoctrination checklist -- ensure proper conflict checks, accurately opening / entering of clients in data systems such as time and billing and practice management, incorporation of attorney into billing schedule, ensuring attorney "hits the ground running" from day one.
- Interview protocol -- use the time with candidates to maximize the benefit to the firm by ensuring that the right questions are asked once, everyone knows what they are supposed to contribute to the process and the firm has an opportunity to present itself in the most desirable fashion.
- Client intake forms -- ensure that the firm collects all the essential information not just for the case, but for marketing and credit checking too, save attorney time when completed by the client in advance of the initial meeting.
- Policy handbook -- a consistent reference source and training tool for new hires to ensure they know what is expected of them, and what the firm will provide to all in a fair and equitable manner.
- End of employment -- exit interviews, ensure that all aspects of departure are handled in a safe and consistent manner for the firm and employee, including such thing as return of equipment and keys, revoking password access to computers, making sure no client files are missing, advising departing employees of any benefit plan conversion privileges.
- End of matter checklist -- end of engagement letter, return of originals to client, culling and/or digitizing of client's file, noting future destruction date, creating calendar reminders for annual client letter if originals are retained.
- Conflict checklist -- most malpractice insurance carriers require law firms to have a consistently followed conflict checking system and policy.

Where do you find checklists? Most firms that use them create their own, or customize one from a seminar or another firm, and incorporate its use at their firm.

Havertown attorney Daniel J. Siegel published a book entitled *Checklists for Lawyers* that can be purchased in the ABA bookstore. PBA members get a discount on any books purchased from the ABA bookstore when they use the PBA members-only purchase code.

I have created quite a number of checklists for firm management over the years and provide them to PBA members when needed. Probably best known are my extensive checklists for starting a practice and closing a practice. But I have many others, available only for PBA members. Check "Resources" on the Law Practice Management pages of the PBA website, www.pabar.org.

The Law Society of British Columbia has developed Practice Aids (www.practicepro.ca/practice-aids/) which provide checklists, precedents or templates. For general management purposes, they should be highly applicable. Those that are practice-area specific (what they refer to as precedents) should provide a great starting point to create something specific for your firm. Used as a training tool for young attorneys, it ensures consistency, thoroughness, and a fast return on investment.

Described as "the bible for checklist lovers," is the 2011 bestseller by surgeon Atul Gawande titled *The Checklist Manifesto: How to Get Things Right*. You can get this book on Amazon for under $15. Although it offers no checklists, it makes a compelling case for use of checklists and will turn most readers into checklist zealots.

The bottom line is that it's easy to forget things. If we do something again and again, and want to get it right every time, the way to ensure that happens is to use a checklist. We're human. We can be rushed. We can be distracted. We can make assumptions that may cause us to skip a step or overlook something. The consequences can be severe. Save your brain power for the most creative and unique tasks.

So the next time you're working on a repetitive task, write down the steps. The next time you do the same task, compare the steps with what you previously recorded and add and delete tasks accordingly or enhance with better descriptions.

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After you have done the task(s) several more times with no further edits, your checklist is complete, at least until something changes.

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