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# Law Practice Management: What Does the Future Hold?

By Gary A. Munneke

All lawyers need to be effective managers, even if they do not serve as managing partners or members of the management committee of the firms where they work. Information about practice management is relevant to lawyers of every age, practice setting, and status. It is important to remember that law practice management is not the academic discipline of studying how law was practiced circa 1950, or 1900 (although as a professor, such historical inquiry is intriguing). Management of the law firm and the delivery of legal work, as well as the development of personal manage-

ment skills is a subject that lives best in the present and future tense. Becoming the best possible lawyer (or law firm) should be an everyday activity, and no examination of present competence should ignore the constant imperative to improve – to find ways to thrive, not just survive. This issue of the New York State Bar Association *Journal* takes a look at some of the trends that will affect the practice of law in the near term, and offers suggestions as to how lawyers and law firms should plan for and respond to the changes that these trends will bring in the future.

It is just as important to appreciate the trends that will drive law practice management as it is to understand the nuances of practice management in the present. Ample evidence supports the proposition that the practice of law has changed dramatically in recent decades, as has the management of law firms. Although it is not possible to predict the future with certainty, those lawyers who make thoughtful, informed guesses about what the future holds will be more likely to weather the winds of change than those who simply wait for events to overtake them. Those who study the future (futurists, as they call themselves) often speak in terms of “alternative futures.” To them, the future is not cast in stone; rather it is influenced over time by countless variables of less-than-certain predictability. While some factors may operate beyond our control as

es, and economics of the organizations where they work. If they can identify those trends that may have an impact on their practice, they may be able to make decisions that will influence the trends themselves or increase the likelihood of favorable outcomes in the future. If they simply wait until events unfold, they may find the only decisions left to them are how best to cut their losses.

The articles in this issue of the *Journal* are intended to provoke thought about future directions in the field of law practice management, which will in turn lead readers to think strategically about ways to mold their own management practices. A short preview of the articles may be useful.

Richard Granat, co-chair of the American Bar Association’s eLawyering Task Force, discusses the evolution of online legal services in his article, “eLawyering: Providing More Efficient Legal Services With Today’s Technology.” Having created a Web-based law firm himself, Granat speaks from experience. He points out that while the number of law firms with some kind of online presence has increased dramatically, most do not offer sophisticated interactive services for clients. Some firms, as well as non-legal service providers, now offer a variety of legal services online, and most observers believe that growth in this sector will continue. For law firms that still do not have Web sites, as well as those with purely infor-

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humans, we have the ability and opportunity to affect others, and thereby move in the direction of a future we consider favorable.

For example, take global warming: A variety of scientists have presented evidence to show that the average global temperature is rising, and that such warming will have a profound effect on climate, eco-systems, and human economies. Some pundits suggest that there is not enough information to know for certain whether global warming is a long-term trend or a cyclical pattern. An individual who accepts the reports that global warming is real may be able to act in ways that will contribute to ending or ameliorating global warming, like reducing the consumption of bio-fuels by taking public transportation. The same person might protect against certain risks associated with global warming, such as a rising sea level, by not buying beachfront property likely to be inundated if the direst predictions come to pass.

Lawyers and law firms also have the opportunity to look at the future of law practice, and make decisions about how they manage the office, staff, clientele, servic-

national sites, questions about how online services will impact the marketplace for legal services abound. For those firms that want to make the move to eLawyering services, decisions about how to structure and manage such non-traditional services may be daunting.

Thinking back to the changes in law practice that were triggered by the introduction of personal computers in the 1980s, Susan Raridon Lambreth, a well-known consultant to law firms with Hildebrandt International, in “Practice Group Management: Passing Fad or Permanent Part of Our Future?”, examines how practice management has evolved as firms have become larger and more dispersed. Lambreth argues that the more de-centralized firms become, the more critical it is to have effective management to ensure a strategic position in the marketplace and to integrate practice groups, branch offices, recruiting, marketing and resources. It is not enough today to think of the organization as a monolithic entity, but rather as a collection of distinct practice groups, with particular

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management needs. Although this model demands greater management resources and attention, the investment of time and dollars in the management of these functions, Lambreth concludes, translates directly to bottom-line profitability.

A related issue for law firm management is the often-overlooked topic of leadership. Managers are not necessarily leaders, and a firm's management team may lack the vision or the ability to communicate its vision to the rest of the organization. In "The Changing Nature of Leadership in Law Firms," Roland Smith and Paul Bennett Marrow, reporting on their research for the Center for Creative Leadership (CCL), postulate that leadership involves a set of skills related to producing change, and that these skills can be studied and learned within the law firm context. Only by exercising this transformative leadership, Smith and Marrow argue, will law firm leaders be able to successfully surmount the challenges of the increasingly complex law practice environment.

This author provides a different look at practice management in "Managing and Marketing a Practice in a Globalized Marketplace for Professional Services." Adapted from the 2008 Presidential Summit on "Globalization and the Practice of Law," which was inspired in part by the *Journal* article "Economic Globalization and Its Impact Upon the Legal Profession," by former NYSBA President James Moore.<sup>1</sup> In addition to Moore, the panelists included Dean Mary Daly, James Duffy, Calvin Johnson, and Professor Laurel Terry; it was moderated by former NYSBA President and Chair of the Committee on Standards of Attorney Conduct, Steven Krane. This article moves the discussion from the general principles of globalization to the more specific topic of how law firms should manage their resources strategically to compete effectively in the global marketplace. Economic globalization will touch every law practice in New York and the rest of the United States, not just a few large firms in Manhattan and Los Angeles (as many lawyers would like to believe).

Arthur Greene and Sandra Boyer get down to nuts and bolts in an article titled "Professional Staffing in the 21st Century." Greene, the author of several ABA books on law office organization, staffing and financial management, and Boyer, an experienced consultant and advisor on law office human resources, note that the delivery of quality legal services requires recruiting and sustaining a quality staff, including both associates and support staff. One trend from recent decades, which Greene and Boyer predict will continue to expand, is the use of paralegals to handle routine legal work, allowing lawyers to concentrate on more complex, high-level tasks. Paralegals will not replace associate attorneys, but rather permit neophyte practitioners to work in different ways. The authors provide a five-step program for more effective

utilization of associates and discuss when to hire paralegals and when to hire lawyers. In a related article, NYSBA Law Practice Management Committee member Alan Feigenbaum provides an overview of bar ethics opinions on outsourcing legal services and summarizes the ethical mandates that U.S. lawyers face before sending their work overseas.

In addition, NYSBA President Bernice Leber offers her thoughts on the importance of practice management for New York lawyers, and regular *Journal* contributor David Paul Horowitz, in his column *Burden of Proof*, examines the role of differentiated case management in the litigation process and urges lawyers to make the system work for both themselves and their clients.

Collectively, these articles and columns raise a host of practice management issues for law firms large and small. An impressive panel of authors offers a variety of insights as to how lawyers will have to manage their practices differently in the coming years. The legacy value of traditional lawyer-client relationships and delivery models has diminished over the past two decades. The thrust of these articles seems to be that new, innovative and more efficient practice models will supplant older, traditional, inefficient ones. There will be winners and losers in this Darwinian environment, and the demise of centuries-old firms in recent years is testimony to the reality that history is no guarantee of continuity.

It would be foolhardy to think that the articles in this issue represent all the emergent issues for the future of practice management, or perhaps for the future of law practice itself. The Law Practice Management Committee is committed to an ongoing effort to provide useful information to lawyers on how to stay ahead of the curve. The Committee will continue to disseminate useful information through a regular column and other articles in the *Journal*. The Committee will also deliver shorter articles and links in the *State Bar News*, *The Complete Lawyer* (circulated to all NYSBA members), the Committee Web page at <http://www.nysba.org/lpm>, and a *Vendor Resources Guide*. The Committee will sponsor on an ongoing basis live, downloadable online tele- and video-conferenced continuing legal education, and books from the State Bar and other publishers. In May, the Law Practice Management Committee introduced an electronic newsletter, which is circulated to members quarterly. We also provide up-to-date information on CLE programs, publications, and resources on law practice management that you can use in your practice. For more information on the work of the Law Practice Management Committee, feel free to contact the NYSBA Staff Director of Law Practice Management, Pamela McDevitt, at [pmcdevitt@nysba.org](mailto:pmcdevitt@nysba.org), or Committee Chair, Professor Gary Munneke at [gmunneke@law.pace.edu](mailto:gmunneke@law.pace.edu). ■

1. James C. Moore, *Economic Globalization and Its Impact Upon the Legal Profession*, N.Y. St. B.J. (May 2007) 35.