

# LEGAL PRACTICE MANAGEMENT: ATP 106

## LECTURE 1

COURSE INSTRUCTOR: MS. MARGARET MOUNDE

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### A few questions.....

- How many of you have the intention of practicing as advocates?
- As a partner in your own law firm or as an associate in someone else's law firm?
- If a partner, do you intend on having associates, pupils, clerks etc?
- How many of you eventually want to be CEO's?
- How many of you intend on getting employment in a non-legal organization?

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### Purpose of the Subject:

- To inculcate the learner with skills and tools necessary to establish and manage a law practice.

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### Core Reading Materials

- Kimari Mary; (2019); *Legal Practice Management*; Nairobi, Kenya; LawAfrica Publishing (K) Ltd.
- Kimari Mary; (2012); *Accounting for Lawyers*; Law Africa. Nairobi, Kenya; LawAfrica Publishing (K) Ltd.
- Frank Wood; (2010); *Business Accounting*; (Volume I) 11<sup>th</sup> Edition; Prentice Hall.
- Kimari Mary & Carol Mureithi; (2014); *Office Practice Management*; Nairobi, Kenya; LawAfrica Publishing (K) Ltd.

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### What is legal management?

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Legal management is a cross between the study of law and management.

- Why should lawyers care about management?
- Why should law students learn about managing a law practice when in reality majority of their work will be geared towards catering to client needs?
- Why should partners in a law firm care about managing whereas they can hire MBAs or CPAs to cater for the managing perspective?
- Why should lawyers just be lawyers and leave managing to managers?

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*"Majority of the mistakes that advocates make are linked to management errors."* Munneke

Munneke, G.A. (2013). Introduction to Law Practice: Organizing and Managing Legal Work. West Publishing Co (4<sup>th</sup> Edition) at page 2.

- The purpose of this unit is to furnish you with the necessary skills that will allow you to effectively run an office.

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- Law practice management can be split into 3 aspects: -
  - Management of an organization / law firm / business; also known as law firm management or law office management.
  - Management of the legal work product e.g. service delivery. Therefore we can rightly define advocates as managers irrespective of whether or not they are managing a law firm.
  - Acquisition and mastery of professional skills which enhance an advocate's managerial skills which crosscut different professions i.e. managing himself / herself as a professional person.

Ultimately, management is key to success, thus effective practice managers are more likely to be successful.

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### Expected Learning Outcomes:

- By the end of the subject, the learner should be able to:
  - Manage a general law practice.
  - Comply with the regulatory requirements of a law practice.
  - Apply the various statutes relating to business administration and management.
  - Develop and implement proper organizational structures and systems.
  - Apply business analysis and accounting skills.

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### Components of Legal Practice Management:

- Term 1: Office Administration & Management
- Term 2: Human Resource Planning and Management
- Term 3: Conceptual Framework of Accounting

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## Office Administration & Management

- Front Office Services
- Office Standards, Policies and Procedures
- Information and Communication Technology
- Record Management
- Procurement
- Safety, Security and Disaster management
- Discrimination and Sexual harassment at the workplace

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## Human Resource Planning and Management

- Job Analysis and Design
- Recruitment and Selection
- Placement, Induction and Socialization (Fair Administrative Action Act, employment contracts, employee benefits, statutory leave, maternity leave etc.)
- Training and Development
- Career Development and Management
- Internal Mobility and Separation (disciplinary procedures)

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## Conceptual Framework of Accounting

- Book Keeping and End Year Adjustments
- Bank Reconciliation Statements
- Cash Flow Statements Analysis
- Preparation of Final Accounts
- Cost Accounting and Budgeting
- Advocate and Partnership Accounts

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## EVOLUTION OF MANAGEMENT

- Management has evolved as a result of a combination of accidents, incidents, initiatives, discoveries, pioneering, targeted activities and most importantly research.

- *Do you think it is right to say that management started in the early days of man?*

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- The simple answer is **YES**.

- The minute that man saw the need to live in groups, the more authoritative of the group started organizing them.

- Sharing was done according to the masses' strength and / or intelligence (the only distinction is that back then humans were chasing animals but now they are chasing money.)

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**It is better to work smarter rather than work harder.**

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### **THE SCIENCE OF MANAGEMENT**

- It is better to work smarter rather than work harder.
- The scientific management movement can be credited to Frederick Winslow Taylor and his associates who undertook to observe the work process from a scientific perspective.
- Taylorism was widely practiced, however it eventually fell out of practice.
- Taylorism positively contributed to some of the practices in use today to wit; analysis, synthesis, logic, rationality, empiricism, work ethic, efficiency and elimination of waste, standardization of best practices.

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### **Classical theory of management.**

- The industrial revolution significantly impacted management by altering how organizations / businesses / companies raised capital, organized labour and aligned the process of production .
- Professor Charles Babbage urged manufacturers to exploit mathematics and science as opposed to guesswork to increase capacities.
- Robert Owen introduced employee welfare and the concept of trade unions.
- Personalities like Emerson, F.W. Taylor, H.L. Grant etcetera emphasized on management cynosure (focus) more specifically on job content, standardization and labour division.

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### **Neo-classical theory or behavior approach.**

- This focused more on employee relations within the work environment.

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### **Bureaucratic model of Max Webber**

- Max Webber advocated for the aggregation of rules, division of labor in accordance with the employees' niche area, acceptance of legal authority and power and recognition of the hierarchy of authority.
- Management is consistently evolving and will continue to do so.

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