



ARE YOU A PACK RAT?

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Many years ago, while Director of Administration of a mid-size law firm, I sent out a tongue-in-cheek email in which I awarded the “Pack Rat Award” to a litigation partner who had accumulated over 1000 emails. In those days that was enough to crash a system. The partner was outraged, and called for my head—and dismissal— for publicly comparing him to a furry rodent. Fortunately, everyone else, including the managing partner, had a sense of humor, and the result was a general reduction in email box sizes. So don’t even try to create a diversion to escape confronting this issue . . . been there, done that.

I was reminded of this problem when recently called in to do a practice management audit for a solo practitioner, at the insistence of his spouse. She was right that it was sorely needed. As I sat in his office, which made a superfund sight look well organized, I kept pointing to piles of precariously stacked “debris” and asking “what’s this?” Almost everything which could be readily identified turned out to be stuff set aside to be better reviewed, handled or organized later. Later being the operative term here.

At other firms I visit I see similar offices. The above-referenced attorney is certainly not alone. My favorites are the ones where the attorney is building condos of paper on the floor. Stacks can be waist high. They cover virtually the entire floor, and every visible inch of the desk and credenza; making the office a hazard in which to navigate, and providing staff with both a headache and ready excuse to avoid filing.

When I ask why the piles are everywhere, I am invariable told, “These are the files I have to follow up on. The floor is my docket system. If I put the files away I will forget there is something to be done.” I delight in letting the attorney provide me with this lame excuse, and then, after allowing a pause which lets him or her think they’ve actually convinced me, I say, “Bulls--t, the only way this method works is if you trip and fall nose first into the file, and *maybe* then you’ll remember there’s something to be done on it!”

Over the years I have amazed and delighted both corporate and law firm employers by “cleaning up” the messes, and helping those who *agree* to be helped, to do the same for themselves. So let’s talk about how to accomplish that. First off, we have to recognize that we cannot just throw away business records and/or client files when space is running short. In fact, there are specific rules for attorneys which govern the safekeeping of client property, and there are federal and state rules which govern much of the business records we accumulate. So it is important that a records management policy be created for the firm, and communicated and followed. (I have written other articles on this topic, and you are welcome to contact me for a reprint by phone or email.) What I find, however, is that most attorneys do not throw things away too soon. They don’t throw them away at all. And often they can’t find what they want when they want it. And that statement can all too often include items which are part of a client file, and not just all the other “stuff.”

If you’re like most attorneys, you are overworked. Time is of the essence. Billable time must be maximized. Likewise for your staff, because at most firms, there are less bodies than needed. So there is no time to waste searching for lost paper. If you want to be most productive, and maximize your billable time, you need to properly and efficiently handle all the “stuff” which comes across your desk. Putting it aside for later won’t accomplish that goal. It ultimately creates chaos which wastes your valuable time.

Ok, let’s get started. You’re going to need a few things. Mandatory are some pads of medium size post-it notes. A big 2-level outbox which you place on or near your *secretary’s* desk. (On your desk if you have no secretary.) Adequate file cabinet space for all your open files, preferably *not* in your office. Another *locking* file cabinet which is set up to house administrative records regarding insurance, landlord tenant business, personnel and so forth, in your office if you are a solo or small firm practitioner. If you’re in a mid-size to large firm where you are fortunate enough to have administrative staff, you’ll need some interoffice envelopes as well.

Another file cabinet or at least a few drawers, should be set up to cover broad topics of interest, such as legal forms, research, human resources, technology, electronic discovery, suppliers, etc. Your secretary should have a listing of the topics printed for you, small enough to keep under your phone or at the bottom of your in-basket.

Optionally—although in my world this would be considered mandatory—you need a computer with personal productivity software like Microsoft Outlook or Corel Groupwise, and preferably also case management software. Ditto for your secretary. And last but not least, you need at least one decent scanner with an automatic document feeder. If you haven’t looked at these in a long time, the prices



have come down dramatically, and the quality has gone way up. You can get a decent scanner, including software, for \$600 or less, depending on what other functions you want it to do, and how fast you want it to be.

Ok, now you're ready for your incoming mail. You've probably heard this before, but it bears repeating. Touch everything only once. It's as simple as that. The first thing to determine immediately is whether it can be simply thrown away. A fast scan with your eye tells you that. Generally, your mail divides into many categories. Let's address each separately.

Anything which pertains to a client file should be reviewed in at least as much detail as necessary to identify the file, and what action must be taken. For example, if a letter comes in and you need to respond, ask the secretary for the appropriate part of or complete file, do your dictation, and hand it back to her. If you need to respond but don't have time now and it isn't pressing, put a sticky on it noting the client/matter, and the date you want it back with the file for writing the letter. Put it in the out bin. If a deposition comes in and it needs to be summarized by your paralegal, assign it right away, with a deadline. Dictate a docket reminder to your secretary, or put it in your computer, so you are reminded when the summary is due on your desk.

Many top quality secretaries look over the incoming mail and provide it to the attorney with the file, and sometimes even a first draft of a response, so that the attorney can immediately dictate and/or edit and get it back off the desk. Anything that comes in related to client files should go back to the secretary, labeled, for immediate filing as soon as you've seen it, with a reminder placed in the computer for any follow-up needed.

Never, ever rely on your memory. You need to keep as much of your mind uncluttered as possible so you can deal effectively with what is in front of you at any particular moment. That just doesn't happen when you have a thousand details to track swirling around in the background.

Tons of non-client information can be found in your mail. Newsletters, magazines, and so forth. I too often find attorney offices and/or libraries with stacks upon stacks of these items, and often in no apparent order. Some has been read, most not. Chances are you're on information overload and can't keep up. Here's what you do. Read nothing in detail unless it is *exactly* to the point on an issue which is very important at the moment. Scan everything visually. I recommend you read titles, subtitles, call-out paragraphs, and the first and closing paragraph of each article or item. Only read the first sentence of paragraphs in between when they catch your eye.



It should take just a couple of minutes at most to review each magazine article or newsletter or other item to determine if there is anything in there worth keeping. If so, put a sticky on it which protrudes from the edge of the page so it can be easily seen. Put the topic title on the sticky. Put it in the outbox. I have no secretary. So what I do is tear it out immediately, and put it right into the appropriate subject file. It is then waiting for me when I must or want to delve into the topic in detail at a later date.

If you scan these items you can read and access them when “on the road”, and also search for them by key word using the Windows Explorer search function. So if you’re going to scan, you also want to put a couple of key words on the sticky for inclusion in the document title. After you or your secretary has removed the “keep” articles, throw away the remnants of the magazine, newsletter or other item.

Does your mail include interesting offers from vendors which you cannot deal with now? Put a sticky on it for the correct subject file, and put it in the out box. Better yet, create a contact with the vendor’s information and a few key words so you can search for the vendor later without having to remember the company name. If it is an offer with an expiration date, put a date to review in the computer or on the sticky for your secretary, When the reminder pops up you can determine if you have time and want to review it, or push the reminder back again or dismiss it totally.

The trick is to touch everything only once, and deal with it on an immediate basis, rather than put it aside to pile up. Use the computer to store information and remind you when to deal with it again. Leave the client files and records in the hands of your staff, and only ask for what you need when you need it, which the computer will remind you about. Never put away a client file without putting a follow-up date in the computer to touch it again. If the file is “closed”, have your secretary put in a reminder to bring it out for purging and final review in six months, and then a destruction reminder for the appropriate number of years downstream. And once that reminder is entered in the computer, move the file off-site or to the basement.

For administrative files, do the same. So for example, your file for this year’s professional liability insurance application and policy should be in its own folder, and marked with the current year. Each year a review of your records management policy will provide you with a listing of what to pull from storage and destroy in the normal course of business. However, I prefer the more active route of entering a follow-up destruction date in the computer as I put it away. Then I don’t have to think about it again until the reminder pops up years later.



Many of you are thinking that the problem is you do not have the time to go through all your mail as it comes in. Well here's a simple fact: you probably won't have more time later. So maybe more of it needs to be trashed. Remember that as the piles accumulate and your office becomes more chaotic, you will begin wasting more and more time searching for things you know are "in here," and you will then have even *less* time for your new mail and all it entails. And worse, you will fail to follow up on some things in a timely fashion, risking disappointing clients, or worse, committing malpractice.

Even if you're a pack rat, you can get control over the chaos and reduce the piles. I promise if you make the effort to modify your work habits, one at a time, eventually you will be rewarded with more free time, better organization, and improved profitability.

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