



HIT THE ROAD, JACK

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So, here I sit on a plane. A huge plane. A huge plane of people packed in like sardines, enduring a long flight. Fortunately for me, I am on deadline for this article, so my time will be well spent. On the way to the airport, I started pondering the many topics about which I have thoughts to share. I asked myself: what haven't I written about in a while? What do you need to know? What will you find interesting? Then it hit me, doh, travel.

Travel is not something that attorneys spend a lot of time thinking about. What's to think about? Board a plane, hop on a train, hail a cab and that's it, right? Well, while it's not a complex issue, it's not quite that easy.

In no particular order, following are some travel-related issues which I have dealt with over the years. Perhaps there's a nugget in here for your firm. Or maybe this is an area in which your firm is ahead of the curve, in which case I'd like to hear your thoughts.

Ethical issues sometimes come into play where travel is concerned. Has your firm thought about, codified, and communicated how to handle such issues? How does one record time when traveling for one client while doing work for another? Do any of your clients have specific requirements or restrictions? How do you divide out-of-pocket expenses when incurred for multiple clients; evenly or based on proportional time spent? Do you charge for travel time? Is there a maximum for any day or trip? How easy has your firm made it for attorneys and paralegals to record time accurately while on-the-go? How are confidential documents and communications handled while away from the office? Must a secure WiFi be used? Does your firm require or provide VPN for mobile connectivity from a variety of devices? Are people properly trained in these security issues?

For non-exempt employees, how clear have you made your travel policy? Do staff members know what kinds of travel they may record as hours worked and

under what circumstances it may constitute overtime? Are they entitled to take a paid break when travel exceeds a certain number of minutes or hours? For example, if your office manager must travel from your Pittsburgh office to your Philadelphia office, is he/she entitled to stop for a meal and include that time as hours worked?

I will never forget the courthouse runner who thought he was entitled to stop for breakfast every day on his way back from the courthouse. What started with a 15-minute stop eventually morphed into an extra hour off each day, until I found out, that is. Not on my watch! I still remember the sheer surprise he displayed upon learning this was unacceptable.

How does one submit a request for attending events such as CLE, meetings, conferences etc.? At many firms I find that both associates and staff assume that they would not be permitted to attend interesting events simply because of the travel time and expense involved and, therefore, never ask. Trust me, if you want to assist people to work to their maximum ability, you must be willing to encourage additional learning, within reasonable boundaries. It helps keep their job engagement at full concentration. Just be clear on your parameters. When it comes to number of courses, dollar thresholds, distance, time out of the office, and whether or not you will pay other costs such as hotel, meal and so forth, you can—and should—set general parameters and still reserve the right to approve or disapprove on a case-by-case basis.

Here's a head-scratcher: what to tip? At one firm an associate was publicly excoriated for giving a cab driver a \$1 tip on a \$2 fare. (Yes, you may smile at how long ago this must have been.) Aside from the fact that there is never a valid reason to criticize in public, consider that the firm never provided any guidance. The associate simply felt it was cheap to tip under \$1, regardless of the total fare. Over the years I have learned to ask others what they do, in order to ensure I am not too far over or under where tips are concerned. And I am grateful for the guidance. Why not just include such discussions as a matter of course at your firm? Or codify the guidance.

How about meals while traveling? Is there a maximum dollar limit? Will you pay for alcoholic beverages? If on client business, will the client object? At one firm a mid-level associate treated himself to a bottle of wine with dinner, which cost more than the food. It was an embarrassment to the firm that they only realized it when the client questioned the amount. Always require that the detailed meal receipt be submitted along with the reimbursement request. Communicate your guidelines. Enforce them by having the bookkeeper carefully review receipts.



None of this is rocket science. But sometimes it can be quite challenging. For example, what does the firm do about the partner who is always Mr. Generous and picks up the tab, regardless of the purpose of the gathering or any else's expectations?

Chances are good that other partners will resent the practice, but not say anything. The bigger a rainmaker Mr. Generous is, the less likely any discussion will occur. After all, lawyers are conflict-averse when it comes to their own turf.

Wouldn't it be simpler to have a "theoretical" discussion about when it's appropriate to display such generosity before it becomes a bad habit? How about putting room on the reimbursement request form to explain who attended and why the individual felt it necessary to pick up the check? This is not only good for tax purposes but will hopefully cause one to pause and think about the appropriateness of the generosity from a business perspective.

Again, none of this is rocket science. You don't need to devote a lot of time and attention to it. Just realize that it's better to give guidance in advance than to provide correction after the fact. But if you must correct, at least codify what the proper policy or procedure is and use it as a training tool for current and future hires. Your firm will run more smoothly, and morale will be better.

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