

The Hummingbird Lawyer

Managing time efficiently can generate an additional hour of availability each day

By Richard G. Stock, M.A., FCIS, CMC, Partner with Catalyst Consulting

This is the sixth in a series of articles about how corporate and government law departments can improve their performance and add measurable value to the organizations.

Two years ago, Adam Gazzaley and Larry D. Rosen published *The Distracted Mind: Ancient Brains in a High-Tech World*. The book examined our ability to cope with the full range of technologies in our daily lives, explaining why our brains are not built for multitasking; however, the authors say, we regularly switch rapidly from task to task. Interruptions interfere with the ability to achieve our objectives; many of these interruptions are technology-related, with the chief offenders in the office being email and, more recently, texting.

Gazzaley and Rosen are not alone in this observation. There exists a very significant body of work on the effects of “email addiction” and interruptions of work. One study found that 41% responded to email immediately and 71% responded to an instant message immediately.

Two other findings are noteworthy — and disturbing — regarding their effects on professional productivity. The first, a Loughborough University (UK) study, found that “after dealing with an email, which itself took an average of just under two minutes, it took the studied workers an average of 68 seconds to return to their work and remember what they were doing.”

There is no stopping the waves of information available 24 hours a day, seven days a week; and there is no suppressing the human appetite for the information, a phenomenon some refer to as FOMO, or “fear of missing out.” The second finding, reached by Gazzaley and Rosen, was that employees are self-interrupting in order to check email and other media, fully diverting attention from their work and raising their levels of anxiety and stress.

I regularly conduct workflow and workload studies for law departments. The categories examined included the number of matters handled and their relative complexity, the number of internal clients and their frequency of communication, communication traffic patterns of all types, and work backlogs.

General counsel can address productivity challenges first by being aware of the basic issues regarding workflows and workloads. Because stamina is not an alternative for strategy at work, it is necessary to have a plan starting with the number of available hours for professional work each year. While there is some elasticity to the available hours, legal leadership can still estimate the average work week for everyone in the law department. This is a simple calculation that subtracts paid time away from work as well as administrative and practice management time, leaving what law firms call “billable time” ranging from 1,750 to 2,100 hours per year. Trade literature suggests that interruptions caused by email, other media, calls and visitors consume 28% of each day. It can take up to 15 minutes to fully resume a task because of distractions. Alarming-ly, functioning IQ drops 10% when distracted by calls and emails. Managing time with more discipline can generate about one hour of additional availability each day, or some 200 hours per year. But without an advanced level of awareness, self-discipline and a number of operating protocols for the law department, every professional will still say “I wonder where my day went.”

Tracey Parks, a productivity consultant to lawyers, suggests eight best practices for email. Two of these stand out. The first is to process email only three to four times per day

and do one of four things with each email message immediately: file for future reference; act on the message within two minutes; create an action item if more than two minutes is required to respond; and “toss the rest.” The second strategy is to send less in order to receive less. Parks observed that eliminating one out of five potential sent email messages reduces incoming mail by 10%. Also, reduce the use of “Reply All” and cc’s, turn off the sound or screen notifications, and minimize the email window.

Every law department can be more focused in identifying “when to call Legal” and restricting who can call Legal. Few law departments are comfortable with such restrictions, preferring an open-door policy in the name of risk management and FOMO. Over the past five years, some legal departments have introduced programs, technology and training in legal project planning and budgeting as a way to manage large-scale projects and matters with limited resources and tight deadlines. The price for law departments that fail to act is higher stress and anxiety, less time available for interesting work, and being less strategic than they could be in utilizing their intellectual capital.

Adapted from an article of the same name to be published in the January/February 2019 issue of Lexpert magazine.

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