

Oregon Law Practice Management

Practice Management Tips for Oregon Lawyers



Six Mistakes Lawyers Make with Staff, Part II

Last week I blogged about four of the common mistakes lawyers make with staff. This week I finish my countdown with two of the most regrettable decisions any lawyer has ever made: representing an employee and playing the role of lender.

Be Your Paralegal's Boss, Not Her Lawyer

For some of you, there is little or no temptation to represent your secretary or paralegal. You may be in-house counsel, employed in the public defender or DA's office, or working in a highly specialized area. But for those of you in private civil practice, be forewarned! Loyal staff naturally gravitate to lawyers in their own firm. ("You are the only person I can trust." "This is too embarrassing." "I don't know anyone else who can help me.")

Before you tempt fate, take a deep breath. Do you really believe you can objectively manage the lawyer-client/boss-employee relationship without a conflict? The money alone is a huge issue! How will you be paid? By withholding fees and costs from your employee's paycheck? Maybe you're really a glutton for punishment. You decide to represent your employee in her divorce, incur legal fees, then take on her personal injury case. When the recovery comes in on the PI claim, you take all of it – your employee's share *and your share* because she still owes you legal fees from the work you did on her divorce. (Preposterous? Absolutely not. It happened. The resulting bar complaint wasn't pretty.)

Maybe you're convinced money won't be an issue since you've agreed to represent your employee at no charge. This might work provided the legal matter you've been engaged to handle is short and sweet. What? You don't have a written engagement letter? And the case is actually a huge mess? You didn't know what you were getting into and now you want to withdraw from representation?

I'm only touching on a few of the issues here. I apologize for the sarcasm, but this is an incredibly bad idea. The lawyer-client/boss-employee relationship is fraught with potential conflicts. Just say no. If you really want to help your employee, provide her with a list of several lawyers she might contact.

Neither a Borrower Nor a Lender Be

This seems obvious: don't lend money to your employees! I've witnessed it many times over the years and it never goes well. A nice lawyer becomes overly involved in his employee's personal life and loans the employee money. The loan isn't repaid and the employee either quits without notice or is terminated for cause.

If you can see why the lawyer-client/boss-employee relationship is a formula for disaster, then you'll understand why creditor-debtor/boss-employee is no better. At the risk of repeating myself: just say no. If an employee approaches you about needing funds, tactfully but firmly explain that you are unable to advance the employee's salary. No explanation is necessary, but if you feel you must provide one, your budget will likely give you ample reason. If you decide to disregard my advice, [then please read this](#).

Final Thoughts

Being a boss isn't easy, but it will be far less complicated if you stick to wearing one hat.

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