The Documents Are Ready—Now Get Them Out the Door!

Joshua Stein

Getting the work done is only part of the job. You also need to get it to the right place at the right time in the right way.

ASIDE FROM A LAW DEGREE, perhaps the best preparation for working as a lawyer might have been a temporary job in the distribution center for a chain store. There, you would have learned skills that, with quite minor variations, are essential in the practice of law – whether real estate law, other transactional law, or litigation.

On your first day at the distribution center, you probably would

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have learned how to put together the right pile of merchandise to be sent out to a particular store on a particular day. (In the practice of law, you simply need to think of "drafts, documents, prospectuses, or pleadings" instead of "merchandise.")

Then, you would have learned how to: check that you have all the right merchandise (correct categories, contents, and counts) and nothing is defective or damaged; identify where the merchandise needs to go and when it needs to get there; get it there, the right way, on time every time in a presentable fashion; and finally do the job all over again on an expedited basis and clean up the mess if/when the merchandise doesn't get to the destination correctly.

A good chunk of the practice of law differs only slightly from working in that chain store distribution center. As a lawyer, though, you want to delegate as much of the "distribution" work as you can. But you can't delegate ultimate responsibility for making sure the job gets done right.

LOGISTICS: GETTING THE WORK OUT THE DOOR • In the law business, once you've produced great legal work your job has only just begun.

Exactly as you would have at the chain store distribution center, you still need to figure out what to do with that great legal work—who needs to receive it, and when, where, and how. Then you need to see that those things happen at the right time in a way that requires you to do as little work and spend as little time and effort as possible.

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Getting the legal work out the door, correctly, can be more work for you than doing the legal work itself—particularly if you don't plan ahead and get enough help.

This article will suggest how you can minimize the time you spend as a distribution center clerk. These strategies are particularly important for less senior attorneys, whose job may include a larger component of distributions. But very few attorneys ever escape the distribution business entirely.

Whether any suggestion in this article makes sense will always depend on the context. This is a determination that requires judgment and care every time. You always need to take into account, among other things, the personal idiosyncrasies and preferences of the people you are working with.

Plan Ahead

When you feel a substantial distribution coming, plan ahead. Request overtime staffing if there is a reasonable chance you might need it. (You don't need to be 100% sure.) Have your secretary start collecting addresses, preparing labels, getting weekend addresses, and so on, during regular business hours.

Expect and Request Proper Support

You might hesitate to make heavy demands on your secretary. You might assume that your secretary has more important things to do than your work. Or other attorneys might pull rank and get their work done first, even if this isn't supposed to happen. It is a terrible mistake—ultimately your mistake—if you let any of this happen. Don't be bashful, but do be pleasant and polite, about expecting and requesting proper secretarial support. You need to have that support to get your work done. If your regular secretary "can't" get around to your work (i.e., their priorities lie elsewhere), speak up. Get help. Don't work a day job as a lawyer and a night job as a secretary.

If you need more information and details and can have your secretary make the phone calls, have your secretary jump on this right away.

Your clients and supervisors will not be bashful about their expectations of you. They will not expect any less from you merely because you have not arranged the support you need. And don't assume your organization knows what you need. You should identify your needs and communicate them to the people who can help you meet them.

Keep Track of Expectations and Requests

Pay close attention to instructions, requests, and expectations regarding any distribution. Take notes of names, addresses, and who should get what, and how and when. Pass all that information on to your secretary as soon as possible.

If you need more information and details and can have your secretary make the phone calls, have your secretary jump on this right away.

Don't save information up in your back pocket to look at for the first time when you've finished the substantive (interesting) part of your work and you've finally decided to start thinking about distributional logistics (for example, at 7 p.m. or so when you face a 9 p.m. overnight delivery service deadline).

If a client expresses unusual urgency about receiving the distribution, pay attention and plan accordingly.

Last Things First

Write your cover letter or distribution memo first, not last. Make it an agenda for your work and the subsequent distribution. Treat it as one more document you need to think about, edit, and finalize for your distribution – but one that you should finish earlier rather than later.

Long before you start to create the contents of your distribution, start thinking and asking about who will get what.

It is very much unappreciated if you fail to provide a copy of the distribution to someone who should have received it, and who "you knew" should have received it. This is particularly true when the forgotten recipient is someone in your own client's organization.

The time to think about who gets what, and their correct names and addresses, is during business hours long before you have your distribution ready to go. Once you have identified the cast of characters, you can let your secretary get started with preparations.

One Last Look

Read through your materials one last time as you assemble them for distribution.

It is spooky how often you will find glitches and problems at the last minute. They seem to leap out of the paper (do they magically materialize at the last minute?) just because your documents seem to know when you're under time pressure.

Fix those glitches and problems if at all possible – which it almost always is.

Consolidate, Combine, and Sometimes Wait

If you had worked in my hypothetical chain store distribution center, you would have learned all about "consolidation." This simply means that sometimes you should hold the truck for one or two more pallets of merchandise that you know will need to go to the same store soon.

The same principles apply in the legal business. Don't send out too many distributions. Resist the urge to send out half-baked redrafts driven primarily by theatrical considerations, unless those theatrical considerations are overwhelming under the circumstances.

Combine and consolidate. Try to receive and act on everyone's comments before you redraft and recirculate your documents. Every distribution incurs a "toll charge" of your time and out-of-pocket costs, just like the chain store's cost for a truck driver, diesel fuel, and the interest, insurance, and maintenance for the equipment. Every time you incur that toll charge, you want to get as much benefit as you can from it.

Clients have the right not to work too hard. They have the right to expect their lawyers to give them a nice convenient messenger package with copies of documents on paper neatly collated and clipped with an attractive cover letter—particularly if they're willing to pay for it.

Try to resist the constant pressure to make more distributions as often as possible, each including only a few half-baked documents.

New Technology

Sometimes we can avoid whole chunks of the paper distribution process through email, Internet postings, and other new technology to distribute documents electronically.

Remember, though, that we are in a service business. Not all clients will appreciate your shifting clerical work to them, such as the tasks of printing out, organizing, and collating documents.

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More generally, whatever time you and your secretary save by emailing documents may be more than outweighed by the extra time all the recipients and their secretaries need to spend to deal with multiple incoming email transmissions, resolve occasional software compatibility problems, figure out what they've received, print it, and collate it.

Sometimes this process is entirely worth the time it takes, such as when the recipient truly needs the document in machine-readable form or instantly. In my opinion, though, often email is not the best way to make a distribution, and a paper distribution might have been more efficient overall.

Recognize, too, that some in the business world remain concerned about confidentiality on the Internet. If your client may be concerned about use of email, or if a transaction is particularly sensitive, you should obtain consents as appropriate. For some documents, you may want to use password protection.

Copies, Copies, and More Copies

Every time you make a distribution, send copies to everyone who should receive them, but look for opportunities to reduce copying of enclosures. Here's a checklist:

• *Your Client.* Normally, send your client a copy of every letter or memo you produce for them, even if you see no particular reason to do so.

If you are actively working with more than one person in the same organization regarding the transaction, send each person a full package.

As a minor pitfall in this area, if (1) you are actively working with one person in the same organization; (2) you know that a more senior person is peripherally involved in the transaction (not on a day-to-day basis), and (3) you have not been told to send that senior person copies of distributions, then it may be considered rude to send a copy of the package to the senior person. This extra copy might be interpreted to imply that you think the senior person needs to watch the junior person, as you lack confidence in the junior person.

As another pitfall, perhaps the flip side of the previous one, don't forget about the junior person who was just assigned to the matter and who you unofficially met (enough to know who they are) but whose correct name and address you don't yet have.

The time to remember that person and get all the name and address information you need is during regular business hours, so you can have your secretary make the calls if appropriate.

• *Your Supervisor.* If you are working with a supervisor, send him or her at least one copy of anything you send out. (If my name appears as a sender, I usually like to receive two copies—one for my personal "chron" file and the other for my personal "pending" pile.)

You can omit long attachments unless you think your supervisor will probably want to refer to them.

• *Your File Room.* Send a full copy, almost always with enclosures, to your firm's file room immediately.

• *Extra Copies.* When distributing drafts of documents that will be redistributed within the recipient organization, consider sending multiple copies to a recipient (particularly a client), so they can easily redistribute them. For thick or complicated documents, this will save your clients as much as a day's delay for photocopying.

• *Other Attorneys in Your Firm.* Consider sending copies to other attorneys in your firm who are working on the matter, such as specialists who are helping out only on particular issues.

• *Et Cetera.* What about the title company, local counsel, servicer, collateral agent (custodian), trustee, escrowee, bank group members or participant(s), broker(s), limited partners, counsel to any of the foregoing, or co-counsel?

• *Enclosures.* If you are distributing bulky enclosures, can you selectively omit enclosures to save trees and money? Sometimes you can do this. Usually you can't. But be alert for opportunities. To the extent that you distribute by email or on diskette, you can err on the side of making fewer paper copies, as the recipient can easily print as many additional copies as they want.

CONCLUSION • Your clients expect top quality legal work product. They also expect top quality document distribution services. To provide that level of service you need to stay on top of the logistics, delegating as much as you can, to assure that your great legal work gets to the right people correctly and on time.

PRACTICE CHECKLIST FOR
The Documents Are Ready—Now Get Them Out the Door!

When you have produced high quality legal work, you have finished only part of the job. You still need to get that work out the door.

- Here are some logistical points to keep in mind:

☐ Plan ahead. Request overtime staffing if you might need it. Have your secretary start collecting addresses, preparing labels, and so on, during regular business hours;

☐ You need proper support to get your work done. If your regular secretary "can't" get around to your work, ask for more help (e.g., a "temp" or a "floater" for a particular job) or a new secretary. Your clients and supervisors will not expect less of you simply because you don't have the help you need;

☐ Keep track of instructions, requests, and expectations regarding what/when/how a distribution will be made. Take notes (names, addresses, who gets what how) and pass them on to your secretary as soon as possible;

☐ Write your cover letter or distribution memo first, not last. It's an agenda for your work and who gets what. Prepare it long before you've finished the legal work;

☐ Read through your materials one last time as you assemble them for distribution. You will often find last-minute glitches and problems. Fix them if you can;

☐ Consolidate, combine, and sometimes wait. Resist the urge to send out lots of half-baked redrafts. Try to receive and act on everyone's comments before you recirculate;

☐ Although new technology can help, we are in a service business. Not all clients will appreciate your shifting clerical work to them; and

☐ Send enough copies to the right people the first time, but look for ways to reduce photocopying of the enclosures.