

Things that I Cannot Delegate

Some weeks ago I read that my home state of Penang was contemplating a ban on foreigners cooking local fare. There were mixed reactions to the news. Some were in favour (arguing that it would create job opportunities for locals) whilst others were against it (saying that depriving hawkers of foreign workers will increase costs).

But I was struck by one view that said – when it came to cooking at least – the stall owners did it themselves, and foreign workers were confined to tasks like dishwashing. Therefore the ban would not significantly impact business.

I took this to mean that stall owners thought that no matter what aspects of their business could be delegated, the cooking of the meal itself required their personal touch.

This got me thinking of the aspects of my job that cannot be delegated; the stuff that I think requires my presence, input, or touch. This is the three that immediately came to mind:

- Quoting legal fees.

I say that I cannot delegate the quoting of fees because the quoting of fees is an art that depends on the (amongst others) the complexity of the work quoted for, my confidence in my skills and knowledge for the work, the type of work that I hope to attract, how I envisage my practice growing, how much of the previous work done feeds into my understanding of the work quoted for, the restrictions built into the quote, and the timeframe within which the client expects the work.

In a fused legal profession, the lawyer quotes his own fees and does not delegate it to non-lawyers. But if, like me, you at times have trouble quoting fees, I encourage you to have a chat with David Grief, a true master in quoting legal fees who is full of good ideas.

- Building a practice.

Building a legal practice requires a personal touch because to build a practice is to build human relationships.

Therefore, building a practice depends on everything from the character of the lawyer, their peculiar habits and workstyles, their communication styles, their legal knowledge, to their language skills. No two people are alike and therefore no two practices are alike.

Building a practice is (unfortunately) therefore not something that can be bequeathed to a junior lawyer.

- Oral advocacy.

This is perhaps the mother of non-delegables; the apex of personal presence.

Coming as it does as the final instalment following the researching of the law, the moulding of the facts and law to fit a strategy, and the drafting of written arguments, it is (often) the one chance to bring the argument alive.

To say that the character of the advocate informs the presentation of the oral argument (and the to and fro with the tribunal), is an understatement. I say instead: Everything that the advocate is – as a lawyer, a person, and a living being – feeds into his advocacy style and is either a weapon or a chink in his armour.