Practical Law Office Management 4th edition Donnes Test Bank

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CHAPTER 2
LEGAL ADMINISTRATION AND TECHNOLOGY

MULTIPLE CHOICE

1. Management decisions regarding how a law office operates its office (nonlegal functions) are called _____.
   a) case management
   b) administrative management
   c) practice management
   d) personnel management
   e) none of the above

2. Total quality management is based on knowing the needs of _____.
   a) staff members
   b) the law office
   c) each client.
   d) the administrators
   e) all of the above

3. The focus of total quality management is for the business to compete on _____.
   a) price
   b) convenience
   c) features
   d) quality
   e) all of the above

4. What statement is associated with total quality management?
   a) Management has a duty to ensure that the law offices focus on quality.
   b) Quality services involve only the attorneys.
   c) Quality is based on the firm's perception.
   d) The law office should focus on constant improvement.
   e) a and d

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5. For a total quality management program to be effective, the firm must be willing to _____.
   a) listen to clients and make necessary changes to meet changing client needs
   b) talk to the clients and tell them what services they need
   c) talk to the clients and tell them what services the firm is going to provide
   d) a and b
   e) none of the above

6. According to the total quality management philosophy, quality service depends on _____.
   a) each individual in the firm
   b) the team
   c) the organization's end performance
   d) a and c
   e) all of the above

7. According to the total quality management philosophy, who shares in the financial or other types of benefits the firm receives?
   a) everyone in the firm
   b) management
   c) partners
   d) attorneys and paralegals
   e) none of the above

8. Financial management of a law firm includes _____.
   a) budgeting
   b) timekeeping and billing
   c) purchasing
   d) tracking firm assets
   e) all of the above

9. The process of educating consumers about the legal services a law office provides is called _____.
   a) controlling
   b) leadership
   c) organization
   d) planning
   e) marketing

10. The goal of a law office staff manual is to _____.
    a) increase productivity
    b) increase bureaucracy
    c) ensure that high-quality work is done every time
    d) save time
    e) a, c, and d

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11. Staff manuals are particularly useful at helping _____ get accustomed to the policies of the law office.
    a) paralegals
    b) new employees
    c) clerks
    d) legal secretaries
    e) partners

12. _____ benefit from using a staff manual.
    a) Corporate law departments
    b) Private law practices
    c) Corporate law departments and private law departments
    d) Private and legal aid practices
    e) All law offices

13. A _____ is a specific statement that sets out what is or is not acceptable.
    a) policy
    b) policy and procedure
    c) staff manual
    d) procedure
    e) none of the above

14. A _____ is a series of steps that must be followed to accomplish a task.
    a) policy
    b) policy and procedure
    c) staff manual
    d) procedure
    e) none of the above

15. _____ is the process of educating consumers on the quality legal services a law office can provide.
    a) Public relations
    b) Advertising
    c) Marketing and advertising
    d) Marketing
    e) a and d

16. Hiring, evaluating, compensating, training, and directing law office personnel is called _____.
    a) controlling
    b) planning
    c) leadership
    d) office services management
    e) none of the above

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17. When an employer hires an employee without sufficiently checking the employee's background, and the employee subsequently harms someone or something in a manner that could have been discovered by a background check, it is called _____.
    a) negligence
    b) mistaken hiring
    c) negligent hiring
    d) all of the above
    e) none of the above

18. What concept focuses on the positive aspects of, and explores alternative ways to improve, the employee's performance?
    a) counseling
    b) coaching
    c) positive discipline
    d) progressive discipline
    e) none of the above

19. A management by objectives (MBO) program _____.
    a) is similar to positive discipline
    b) sets goals at the beginning of the evaluation period
    c) is an evaluation technique
    d) is part of an employee attitude survey
    e) b and c

20. The law that allows eligible employees up to 12 weeks of unpaid leave is called the _____.
    a) Civil Rights Act of 1964
    b) Fair Labor Standards Act
    c) Equal Pay Act of 1963
    d) Family and Medical Leave Act
    e) Americans with Disabilities Act

21. The law that establishes minimum wage for workers, the maximum number of hours that can be worked, and overtime pay is called the _____.
    a) Civil Rights Act of 1964
    b) Americans with Disabilities Act
    c) Family and Medical Leave Act
    d) Equal Pay Act of 1963
    e) Fair Labor Standards Act

22. Planning is the process of _____.
    a) setting objectives
    b) assessing the future
    c) developing courses of action to achieve objectives
    d) a and b
    e) all of the above

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23. A general, enduring statement of the intent or purpose of the law practice is called a _____.
    a) principle
    b) mission statement
    c) planning statement
    d) leadership plan
    e) strategic policy

24. Facilities management encompasses _____.
    a) property acquisition
    b) space planning
    c) cleaning/maintenance
    d) security/safety
    e) all of the above

25. Office services management refers to internal systems and services, including _____.
    a) property acquisition
    b) cleaning/maintenance
    c) mail room/copy machines
    d) security/safety
    e) none of the above

TRUE/FALSE

26. A Gantt chart can be used when creating a plan to set begin and end dates, and to create a timeline.

27. The planning process should include only high-ranking administrators.

28. Staff manuals are needed more in larger law offices than in smaller law offices.

29. Staff manuals are out of reach of most paralegals to develop.

30. Total quality management insists that every person in the firm must take pride in his or her work.

31. Total quality management stresses the philosophy of "we" versus "they."

32. A personnel handbook establishes formal policies on personnel-related matters.

33. In an employment-at-will situation, an employer and employee can freely enter into an employment relationship that either party has the right to sever, generally at any time, without reason.

34. The Fair Labor Standards Act states that any exempt employee working more than 40 hours a week is entitled to overtime pay.

35. It is the job of the attorneys and law firm management to define the law firm's practice and client base.

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36. Total quality management principles state that defining "quality service" is based on management's perception.
37. Leadership is the act of motivating or causing others to perform and achieve objectives.
38. Organizing is the process of arranging people and physical resources to carry out plans and accomplish objectives. This is typically done by setting policies and creating effective systems.
39. Workplace violence is not a credible threat in the legal industry.
40. The purpose of a disaster recovery plan is to plan and prepare how to rebuild and recover from a total disaster.
41. Technology has had little effect on how legal professionals practice law.
42. Litigation support software tracks, organizes, and manages appointments and deadlines.

MATCHING

A. administrative management
B. Americans with Disabilities Act of 1990 (ADA)
C. bona fide occupational qualification
D. Civil Rights Act of 1964
E. coaching technique
F. controlling
G. document assembly software
H. document management software
I. equal employment opportunity
J. extranet
K. facilities management
L. Fair Credit Reporting Act
M. Family and Medical Leave Act of 1993 (FMLA)
N. Gantt chart
O. human resources management
P. intranet
Q. leadership
R. management
S. marketing
T. planning
U. policy
V. procedure
W. sexual harassment
X. substantive task
Y. system
Z. total quality management

43. A specific statement that sets out what is or is not acceptable.
44. Administration of people and other resources to accomplish objectives.
45. A task that relates to the process of actually performing legal work for clients.
46. A plan or timeline of the projected begin and end dates of a project.
47. Counseling that focuses on the positive aspects of the employee's performance and explores alternative ways to improve his or her performance.
48. Encompasses planning, designing, controlling, and managing a law office's building or office space.

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49. Creates powerful standardized templates and forms.
50. An internal information distribution system used only by a law firm staff.
51. Concept that requires employers to make employment-related decisions without arbitrarily discriminating against an individual.
52 Hiring, evaluating, compensating, training, and directing law office personnel.
53. The process of determining whether the law practice is achieving its objectives, holding stakeholders accountable for their goals, and making strategy adjustments as necessary so the firm achieves its objectives.
54. Federal legislation that governs the use of consumer reports in all employment decisions.
55. Legislation that allows employees in certain circumstances to receive up to 12 work weeks of unpaid time away from their jobs for family- or health-related reasons.
56. Legislation regarding employer treatment of employees or applicants on the basis of race, color, national origin, religion, or gender.
57. A network designed to provide, disseminate, and share confidential information with clients.
58. Organizes, controls, distributes, and allows for extensive searching of electronic documents, typically in a networked environment.
59. Act of motivating or causing others to perform and achieve objectives.
60. Legislation regarding employer treatment of employees or applicants with infirmities or incapacities.
61. Unwelcome advances, requests for intimate favors, and other verbal or physical conduct of an intimate nature that creates an intimidating, hostile, or offensive working environment.
62. Management philosophy of knowing the needs of each client and allowing those needs to drive the legal organization at all levels of activity.
63. Management decisions relating to operating or managing a law office, including financial and personnel matters.
64. A series of steps that must be followed to accomplish a task.
65. Process of educating consumers on the quality legal services that a law office can provide.
66. An allowable exception to equal employment opportunity, for example, for an employee to perform a specific job, the employee must be of a certain age, sex, or religion.
67. A consistent or organized way of doing something.
68. The process of setting objectives, assessing the future, and developing courses of action to achieve these objectives.

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SHORT ANSWER

69. Why should employers always perform reference checks?
70. Why should firms consider total quality management?
71. Explain the purpose of a mission statement.
72. Name three functions related to human resources management.
73. What is the purpose of a strategic plan?
74. Name three ways a law office can strengthen security.

ESSAY QUESTIONS

75. List and explain three federal employment laws.
76. Describe total quality management and its philosophies in detail.
77. Explain the importance of both practice management and administrative management, and discuss which type of management is more important.
78. List four functions of law office management.
79. List the 11 functions of legal administration.

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1. Management decisions regarding how a law office operates its office (nonlegal functions) are called _____.
   a) case management
   b) administrative management
   c) practice management
   d) personnel management
   e) none of the above
   ANS: B

2. Total quality management is based on knowing the needs of _____.
   a) staff members
   b) the law office
   c) each client.
   d) the administrators
   e) all of the above
   ANS: C

3. The focus of total quality management is for the business to compete on _____.
   a) price
   b) convenience
   c) features
   d) quality
   e) all of the above
   ANS: D

4. What statement is associated with total quality management?
   a) Management has a duty to ensure that the law offices focus on quality.
   b) Quality services involve only the attorneys.
   c) Quality is based on the firm's perception.
   d) The law office should focus on constant improvement.
   e) a and d
   ANS: E

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5. For a total quality management program to be effective, the firm must be willing to _____.
   a) listen to clients and make necessary changes to meet changing client needs
   b) talk to the clients and tell them what services they need
   c) talk to the clients and tell them what services the firm is going to provide
   d) a and b
   e) none of the above

   ANS: A

6. According to the total quality management philosophy, quality service depends on _____.
   a) each individual in the firm
   b) the team
   c) the organization's end performance
   d) a and c
   e) all of the above

   ANS: E

7. According to the total quality management philosophy, who shares in the financial or other types of benefits the firm receives?
   a) everyone in the firm
   b) management
   c) partners
   d) attorneys and paralegals
   e) none of the above

   ANS: A

8. Financial management of a law firm includes _____.
   a) budgeting
   b) timekeeping and billing
   c) purchasing
   d) tracking firm assets
   e) all of the above

   ANS: E

9. The process of educating consumers about the legal services a law office provides is called _____.
   a) controlling
   b) leadership
   c) organization
   d) planning
   e) marketing

   ANS: E

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10. The goal of a law office staff manual is to _____.
    a) increase productivity
    b) increase bureaucracy
    c) ensure that high-quality work is done every time
    d) save time
    e) a, c, and d

    ANS: E

11. Staff manuals are particularly useful at helping _____ get accustomed to the policies of the law office.
    a) paralegals
    b) new employees
    c) clerks
    d) legal secretaries
    e) partners

    ANS: B

12. _____ benefit from using a staff manual.
    a) Corporate law departments
    b) Private law practices
    c) Corporate law departments and private law departments
    d) Private and legal aid practices
    e) All law offices

    ANS: E

13. A _____ is a specific statement that sets out what is or is not acceptable.
    a) policy
    b) policy and procedure
    c) staff manual
    d) procedure
    e) none of the above

    ANS: A

14. A _____ is a series of steps that must be followed to accomplish a task.
    a) policy
    b) policy and procedure
    c) staff manual
    d) procedure
    e) none of the above

    ANS: D

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15. _____ is the process of educating consumers on the quality legal services a law office can provide.
    a) Public relations
    b) Advertising
    c) Marketing and advertising
    d) Marketing
    e) a and d

    ANS: D

16. Hiring, evaluating, compensating, training, and directing law office personnel is called _____.
    a) controlling
    b) planning
    c) leadership
    d) office services management
    e) none of the above

    ANS: E

17. When an employer hires an employee without sufficiently checking the employee's background, and the employee subsequently harms someone or something in a manner that could have been discovered by a background check, it is called _____.
    a) negligence
    b) mistaken hiring
    c) negligent hiring
    d) all of the above
    e) none of the above

    ANS: C

18. What concept focuses on the positive aspects of, and explores alternative ways to improve, the employee's performance?
    a) counseling
    b) coaching
    c) positive discipline
    d) progressive discipline
    e) none of the above

    ANS: B

19. A management by objectives (MBO) program _____.
    a) is similar to positive discipline
    b) sets goals at the beginning of the evaluation period
    c) is an evaluation technique
    d) is part of an employee attitude survey
    e) b and c

    ANS: E

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20. The law that allows eligible employees up to 12 weeks of unpaid leave is called the _____.
    a) Civil Rights Act of 1964
    b) Fair Labor Standards Act
    c) Equal Pay Act of 1963
    d) Family and Medical Leave Act
    e) Americans with Disabilities Act

    ANS: D

21. The law that establishes minimum wage for workers, the maximum number of hours that can be worked, and overtime pay is called the _____.
    a) Civil Rights Act of 1964
    b) Americans with Disabilities Act
    c) Family and Medical Leave Act
    d) Equal Pay Act of 1963
    e) Fair Labor Standards Act

    ANS: E

22. Planning is the process of _____.
    a) setting objectives
    b) assessing the future
    c) developing courses of action to achieve objectives
    d) a and b
    e) all of the above

    ANS: E

23. A general, enduring statement of the intent or purpose of the law practice is called a _____.
    a) principle
    b) mission statement
    c) planning statement
    d) leadership plan
    e) strategic policy

    ANS: B

24. Facilities management encompasses _____.
    a) property acquisition
    b) space planning
    c) cleaning/maintenance
    d) security/safety
    e) all of the above

    ANS: E

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25. Office services management refers to internal systems and services, including _____.
    a) property acquisition
    b) cleaning/maintenance
    c) mail room/copy machines
    d) security/safety
    e) none of the above

    ANS: C

TRUE/FALSE

26. A Gantt chart can be used when creating a plan to set begin and end dates, and to create a timeline.

    ANS: T

27. The planning process should include only high-ranking administrators.

    ANS: F

28. Staff manuals are needed more in larger law offices than in smaller law offices.

    ANS: F

29. Staff manuals are out of reach of most paralegals to develop.

    ANS: F

30. Total quality management insists that every person in the firm must take pride in his or her work.

    ANS: T

31. Total quality management stresses the philosophy of "we" versus "they."

    ANS: F

32. A personnel handbook establishes formal policies on personnel-related matters.

    ANS: T

33. In an employment-at-will situation, an employer and employee can freely enter into an employment relationship that either party has the right to sever, generally at any time, without reason.

    ANS: T

34. The Fair Labor Standards Act states that any exempt employee working more than 40 hours a week is entitled to overtime pay.

    ANS: F

35. It is the job of the attorneys and law firm management to define the law firm's practice and client base.

    ANS: T

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36. Total quality management principles state that defining "quality service" is based on management's perception.
ANS: F

37. Leadership is the act of motivating or causing others to perform and achieve objectives.
ANS: T

38. Organizing is the process of arranging people and physical resources to carry out plans and accomplish objectives. This is typically done by setting policies and creating effective systems.
ANS: T

39. Workplace violence is not a credible threat in the legal industry.
ANS: F

40. The purpose of a disaster recovery plan is to plan and prepare how to rebuild and recover from a total disaster.
ANS: T

41. Technology has had little effect on how legal professionals practice law.
ANS: F

42. Litigation support software tracks, organizes, and manages appointments and deadlines.
ANS: F

MATCHING

A. administrative management
B. Americans with Disabilities Act of 1990 (ADA)
C. bona fide occupational qualification
D. Civil Rights Act of 1964
E. coaching technique
F. controlling
G. document assembly software
H. document management software
I. equal employment opportunity
J. extranet
K. facilities management
L. Fair Credit Reporting Act
M. Family and Medical Leave Act of 1993 (FMLA)
N. Gantt chart
O. human resources management
P. intranet
Q. leadership
R. management
S. marketing
T. planning
U. policy
V. procedure
W. sexual harassment
X. substantive task
Y. system
Z. total quality management

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43. A specific statement that sets out what is or is not acceptable.
44. Administration of people and other resources to accomplish objectives.
45. A task that relates to the process of actually performing legal work for clients.
46. A plan or timeline of the projected begin and end dates of a project.
47. Counseling that focuses on the positive aspects of the employee's performance and explores alternative ways to improve his or her performance.
48. Encompasses planning, designing, controlling, and managing a law office's building or office space.
49. Creates powerful standardized templates and forms.
50. An internal information distribution system used only by a law firm staff.
51. Concept that requires employers to make employment-related decisions without arbitrarily discriminating against an individual.
52 Hiring, evaluating, compensating, training, and directing law office personnel.
53. The process of determining whether the law practice is achieving its objectives, holding stakeholders accountable for their goals, and making strategy adjustments as necessary so the firm achieves its objectives.
54. Federal legislation that governs the use of consumer reports in all employment decisions.
55. Legislation that allows employees in certain circumstances to receive up to 12 work weeks of unpaid time away from their jobs for family- or health-related reasons.
56. Legislation regarding employer treatment of employees or applicants on the basis of race, color, national origin, religion, or gender.
57. A network designed to provide, disseminate, and share confidential information with clients.
58. Organizes, controls, distributes, and allows for extensive searching of electronic documents, typically in a networked environment.
59. Act of motivating or causing others to perform and achieve objectives.
60. Legislation regarding employer treatment of employees or applicants with infirmities or incapacities.
61. Unwelcome advances, requests for intimate favors, and other verbal or physical conduct of an intimate nature that creates an intimidating, hostile, or offensive working environment.
62. Management philosophy of knowing the needs of each client and allowing those needs to drive the legal organization at all levels of activity.
63. Management decisions relating to operating or managing a law office, including financial and personnel matters.
64. A series of steps that must be followed to accomplish a task.
65. Process of educating consumers on the quality legal services that a law office can provide.

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66. An allowable exception to equal employment opportunity, for example, for an employee to perform a specific job, the employee must be of a certain age, sex, or religion.
67. A consistent or organized way of doing something.
68. The process of setting objectives, assessing the future, and developing courses of action to achieve these objectives.

ANSWERS

43. U
44. R
45. X
46. N
47. E
48. K
49. G
50 P
51. I
52. O
53. F
54. L
55. M
56. D
57. J
58. H
59. Q
60. B
61. W
62. Z
63. A
64. V
65. S
66. C
67. Y
68. T

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SHORT ANSWER

69. Why should employers always perform reference checks?

ANS: To avoid negligent hiring claims and to select the best applicant.

70. Why should firms consider total quality management?

ANS: Law practices are extremely competitive. A law firm should consider using a TQM approach if it wants to compete in this competitive environment. TQM puts the needs of the clients first and lets them drive the business.

71. Explain the purpose of a mission statement.

ANS: A mission statement is an enduring statement of the purpose or intent of the business or law practice. It is the "vision" that guides the firm into the future.

72. Name three functions related to human resources management.

ANS: Compensation and benefits, training and development, performance evaluations, legal compliance, reference checks, hiring and interviewing, coaching, and so forth.

73. What is the purpose of a strategic plan?

ANS: A strategic plan determines the major goals of a firm and then adopts courses of action necessary to achieve those goals.

74. Name three ways a law office can strengthen security.

ANS: Limit free access to the interior of an office to outsiders, issue security badges, use security cards, monitor entrances, have policies and procedures regarding security, and train staff on security issues, among other things.

ESSAY QUESTIONS

75. List and explain three federal employment laws.

ANS: The Americans with Disabilities Act of 1990 (ADA) prohibits employers from discriminating against employees or applicants with disabilities. The Age Discrimination in Employment Act of 1967 prohibits employers from discriminating against employees and applicants on the basis of age, where the individual is 40 or older. The Equal Pay Act of 1963 prohibits employers from paying workers of one sex less than the rate paid an employee of the opposite sex for work on jobs that require equal skill, effort, and responsibility, and that are performed under the same working conditions.

76. Describe total quality management and its philosophies in detail.

ANS: Businesses compete on quality. Management has a duty to ensure that quality services are being provided. Quality services involve everyone in the firm, from the top to the bottom. Quality is based on the client's perspective. Quality services depend on the individual's, the team's, and ultimately the organization's performance. The firm should be constantly improving.

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77. Explain the importance of both practice management and administrative management, and discuss which type of management is more important.

ANS: Both practice and administrative management concepts are equally important to the long-term success of a law office. Practice management concerns substantive or case management, including what types of cases are to be accepted or rejected, how cases will be organized, and what types of cases should be focused on. Administrative management concerns the operation of the law office, including financial and personnel matters.

78. List four functions of law office management.

ANS: Financial management is the oversight of a firm's financial assets. Practice management refers to managing the law office's cases. Human resource management refers to recruiting, hiring, training, and evaluating law office personnel. Planning is the process of setting objectives, assessing future needs, and developing a plan of action to achieve the objectives. Organizing is the process of arranging people and physical resources to carry out plans and accomplish objectives. Marketing is the process of educating consumers. Controlling is the process of determining whether the law practice is achieving its objectives. Leadership is the act of motivating or causing others to perform and achieve objectives. Facilities management encompasses planning, designing, controlling, and managing a law office's building or office space. Office services management refers to a number of internal systems and services, such as the mail room, copiers, and file/records management.

79. List the 11 functions of legal administration.

ANS: Practice management, leadership, controlling, financial management, human resources management, planning, marketing management, organization/policies/systems, facilities management, office services management, technology management.

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