

Approaches to Process Improvement in the Law

Three optional ways that law firms can address legal process improvement.

By Chris Bull

Over the last year, I have noticed a very tangible increase in law firms and in-house departments interested in reviewing and revising their core processes for delivering legal services. The drivers, as in so much else, are primarily rooted in price pressure, financial performance and a push for improved efficiency. Undertaking this work requires an acknowledgment that all work is a process of some sort, not always easy for lawyers who can view the core legal work they do as a "black box" - un-chartable territory. In preparation for a book on Legal Process Improvement, I have begun to look more closely at the different approaches that can be used to map and review legal process.

Process Improvement (PI) projects

Tackling a single process or practice area using PI tools is a common starting place. These projects require a disciplined and methodical approach to reviewing and improving the process, which can be a challenge in law firms where project rigor is not always applied to the core lawyer's work (although with the growing use of Legal Project Management this is changing).

There are a wide range of process improvement methodologies used that mostly originated in manufacturing. The two best known today are Six Sigma and Lean, sometimes used together. Home-grown variants and tailored derivations of these complex and industrial-scale tools have sprung up in many sectors, including legal and I am finding more law firms and corporate legal departments who have used Lean Six Sigma to overhaul their processes every month.

Projects will focus on the biggest immediate challenges - typically (and not just in the law) these are tackling profitability and/or productivity. Rather than attempt a huge firm-wide change, PI projects are usually focused on a particular practice, service line or worktype. This incremental approach pragmatically focuses resources on the biggest challenges facing the firm. It fits well in the legal market, where innate skepticism and resistance to change means that actual "proof of concept," rather than trying to rally the firm around grand concepts ahead of time, is almost always the secret to successful change.

Business Process Re-engineering (BPR) programs

As firms begin to have some success with individual, incremental PI projects some search for a more fundamental and transformational impact. The adoption of larger scale and pan-organizational process change is commonly tagged as Business Process Re-engineering (and sometimes badged as enterprise-wide 'Transformation') and is associated with a high reliance on enabling technology

In law firms with strongly established individual practice groups and less historic standardization and reliance on under-pinning IT, these firm-wide BPR programs will still be very hard to apply. In the higher volume segments of the legal world, in particular those where legal work is increasingly transacted remotely and where external investment is being introduced, the opportunities that can be achieved from BPR programs are being taken very seriously.

Business Process Management (BPM)

For organizations that wish to take a process view of the business to the very heart of their organizational structure, performance management and culture the over-arching concepts of Business Process Management (BPM) come into play. Here, the entire business is run on a process, as opposed to a functional, basis. There are legal organizations which would surely benefit from this approach and from breaking down the long-standing departmental and functional siloes that have been built up. But it seems unlikely that we will see such wholesale and firm-wide adoption of a process mentality by law firms anytime soon.

[Contact the Author, Chris Bull.](#)