

Lean for Law: Legal Process Improvement Checklist

Resource type: **Checklist** Status: **Maintained** Jurisdiction: **USA**

A Checklist of the key steps to take for improving or Leaning out legal processes at a law firm or within a legal department. Counsel can use this Checklist to identify, categorize and eliminate wasteful tasks so that they apply time and resources only in ways that add value for clients.

Karen Dunn Skinner, Gimbal Canada Inc., with Practical Law Litigation

Today's clients demand more from their attorneys for less. To meet that demand and remain competitive and profitable, law firms and corporate counsel must deliver legal services more efficiently. Legal process improvement offers attorneys a way to do so, but corporate counsel and law firm attorneys rarely know how to start. The best way to prioritize which legal process to improve first is to determine where time and resources are being wasted. Every example of waste is an opportunity for improvement.

The process improvement method known as Lean teaches that expending resources without directly creating value is wasteful. Leaning out a process (or workflow) refers to the identification and removal of waste. This Checklist explains the ways law firms, legal departments and individual counsel can tackle waste in a legal process's workflow.

For more information on incorporating Lean into a law firm or legal department setting, see [Practice Note, Applying Lean Six Sigma Methods to Litigation Practice](#).

Spot Waste in Non-value-added Deliverables

To understand waste, counsel must think about value from the client's perspective. In this sense, anyone to whom counsel delivers work product is a client. For clients, work adds value only if counsel can answer "yes" to each one of these questions:

- Does the activity move the matter forward?
- Is it something the client wants and is willing to pay for?
- Is it done right the first time?

If not, it is waste.

Counsel need to reduce instances of waste because waste:

- Costs time and money.
- Annoys clients.

- Diverts attention and resources from value-added tasks.
- Inhibits business growth and younger attorneys' potential.

Identify and Eliminate All Types of Waste

Waste falls into eight categories, known by the acronym "DOWNTIME":

- Defects.
- Overproduction.
- Waiting and delays.
- Non-utilized talent.
- Transportation.
- Inventory.
- Motion.
- Extra processing.

The best way to identify and eliminate each type of waste depends on the workplace setting and the type of waste.

Defects

Some mistakes are obvious, but to spot more defects, counsel should look for anything that requires rework or correction. Examples include:

- Missing a deadline.
- Entering time under the wrong matter number.
- Sending e-alerts or practice newsletters to a deceased client.
- Engaging in redundant rounds of document review.

To reduce defects, counsel should:

- Develop, use and regularly update checklists and standard forms.
- Create and use a firm- or department-wide style guide to improve writing standards and reduce rounds of document review.
- Ensure adequate instructions from clients and to those to whom work is delegated.

Overproduction

Overproduction is doing more of something than is necessary, or doing it sooner than required. To avoid this type

of waste, counsel should:

- Consider the misallocation of resources when a team member spends long hours on tasks not due until the following week, while others work through the night to complete work due the next day.
- Schedule team meetings regularly to assess how best to prioritize work.
- Discuss timelines and the matter's resource needs with other attorneys.
- Reassign tasks and people to optimize the allocation of work, accounting for limitations in time and resources.
- Look for instances of associates reinventing the wheel, such as by re-doing research on a topic a colleague recently investigated.
- Establish a user-friendly knowledge management system that provides training to attorneys and offers them incentives for using the system fully.

Waiting and delay

Delays take many forms, from waiting for people who are late for meetings to getting back on track after being interrupted. To prevent this type of waste and work more efficiently, counsel should:

- Ensure meetings start on time and are conducted efficiently.
- Work in discrete blocks of uninterrupted time to the extent possible.
- Check e-mail and voicemail outside of those pre-scheduled, uninterrupted periods.
- Request an assistant to screen calls and other interruptions (except emergencies).

Clients may also cause delays, for example by taking an extended time to send counsel comments on a draft document. To reduce delays on the client side through effective and strategic communication, counsel should:

- Look for the cause of the delay.
- Verify whether the document is going to the right person.
- Think about whether the deliverable or other work product is exactly what the client wants and values.
- Confirm that the client understands:
 - how the document or other work product advances the matter; and
 - what consequences a delay has on the matter and, ultimately, the bill.

Non-utilized talent

A Lean organization uses the skills and talents of its resources to the fullest. Attorneys occasionally do work that a colleague can do faster and more economically. To allocate work to the most appropriate internal or external resources, counsel should identify:

- Work done by a partner that could be done as effectively by an associate.

- Work assigned to an attorney that could be handled by a paralegal or legal assistant.
- Work done by in-house counsel that does not require the skills and experience of an attorney and can be allocated to the business units.
- Work that can be done by less-experienced attorneys through the use of templates, standard forms, checklists and guides.
- Work done manually that could be automated.

When assessing whether their own work falls into this category, counsel should ask if their tasks::

- Are a good use of their time, given their billable rates.
- Are tasks the client would consider valuable.
- Offer the right return on invested capital.

Transportation

Any unnecessary or inefficient movement of equipment, documents or information is waste. Examples of transportation waste include:

- Moving stacks of files from office to office.
- Using a courier service instead of e-mail or regular mail.
- Poorly organized internal mail routing.

To find and eliminate transportation waste, counsel should consider:

- Mapping the actual movement of a document or piece of mail by tagging it and following its progress through the firm or department.
- Examining how, where and why documents and other information move and are stored throughout the organization.
- Asking whether the movement serves a useful purpose.

Inventory

In law, inventory refers to work in progress (WIP). Excess WIP suggests inefficient workflows. To improve workflow and drive up productivity by eliminating WIP, counsel should:

- Remove the documents and files sitting on desks and elsewhere unless they are being worked on, to reduce the chance that documents are misplaced or lost and eliminate the time wasted looking for them.
- Reallocate work to others to increase the flow of value-adding work through the firm or department as a whole.
- Decrease turnaround time (and therefore WIP) by Leaning out and optimizing the legal processes attorneys engage in.

Motion

Wasted motion refers to the movement of people that does not add value. Common examples include:

- Physically tracking people down for meetings, signatures or other approvals.
- Searching for a missing file.
- Navigating a poor office layout.
- Struggling with badly conceived knowledge architecture through:
 - searches on numerous databases to locate all client-specific and matter-specific information; and
 - numerous clicks to locate a document in a document management system.

To correct the inefficiencies of wasted motion, counsel should:

- Ensure a culture where there is accountability for attending meetings and meetings start on time regardless of whether someone is late.
- Provide that only those people required to add value attend meetings, thereby reducing wasted motion by attorneys who do not need to attend.
- Enable and use secure, authenticated electronic signatures where appropriate.
- Redesign office layouts to minimize inefficient or unnecessary motion as people move between essential locations and resources.
- Employ and enforce a strict naming convention for electronic and hardcopy files to:
 - standardize the way information is stored, searched and retrieved; and
 - reduce the number of key strokes required.

Extra Processing

Giving clients a Ferrari when all they need and want is a Ford is usually wasteful. Counsel engage in extra processing by:

- Doing unnecessary research to cover the just-in-case scenario.
- Overstaffing.
- Double- or triple-checking what has already been verified as correct.
- Other "extra touches."

Many traditional legal processes include built-in extra processing. To find it, counsel should think about the steps they take to complete a task and ask:

- Is this what the client needs?
- If the client knew I was doing this particular task, would they be willing to pay me for it?

Capitalize on Improvement Opportunities

Counsel can look at any aspect of their practice and start hunting for the eight DOWNTIME wastes. Every one is an opportunity for improvement. When potentially wasteful steps are identified, counsel should consider how to improve the related process by asking these five questions:

- Does this step move the matter forward?
- Does the end-user value it?
- Am I the right person to do it?
- Why do I do it?
- What would happen if I eliminated it?

The answers to these questions help counsel capitalize on improvement opportunities. Most corporate counsel and law firm attorneys prefer to start small; the key is to start. Attacking the obvious waste immediately puts counsel on the road to legal process optimization and a more cost-effective, client-focused practice.

Related content

Topics

[General Litigation](#)

Practice Note

[Applying Lean Six Sigma Methods to Litigation Practice](#)

Call us (646) 562-3405

Monday - Friday 9:00 a.m. - 6:00 p.m. ET

You can also **send us feedback** with any questions or comments on the site. For more options to contact us **click here**.

© 2013 Thomson Reuters. All rights reserved. Use of Practical Law websites and services is subject to the [Terms of Use](#) and [Privacy Policy](#). Practical Law Company® services are now a Thomson Reuters Legal Solution.