

APPLYING LEAN SIX SIGMA METHODS TO LITIGATION PRACTICE

A growing number of law departments and law firms are exploring Lean Six Sigma and similar methodologies to continuously improve the way they deliver legal services. To varying degrees, in-house and outside counsel are applying these principles at an everyday level or greatly customizing and using them at an institutional level. By tailoring these techniques to litigation processes, legal teams can reduce costs, increase efficiency and better align their workflows with client priorities.



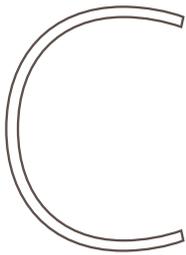


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orporate law departments face increasing pressure to expand the scope and volume of their services, while operating with flat or shrinking budgets. This pressure is compounded by an evolving global economy that brings with it stricter regulatory regimes, greater compliance risk and more avenues to redress claims. Chief legal officers (CLOs)

feel the impact of these forces acutely in the litigation context and continually grapple with how to do more with less. In turn, law firms are seeking new ways to improve efficiency, reduce costs and deliver added value to their corporate clients.

As law departments and their law firm counterparts explore strategic alternatives to traditional cost control approaches, the use of Lean Six Sigma and similar methodologies have emerged as leading contenders. These methodologies aim to reduce waste by systematically identifying errors, variations and inefficiencies in how lawyers perform legal tasks. CLOs have implemented these practice improvements to leverage law department capabilities and better position the legal team as a strategic partner within the organization.

Some law firms have taken note and are applying or customizing these principles in varying degrees. Firms that adopted these strategies early provide an innovative edge in how they serve as outside counsel, because they can more easily function as partners in process and project management. For example, Seyfarth Shaw LLP has developed the fundamental principles of Lean Six Sigma into a highly refined client service model called SeyfarthLean. By combining key aspects of Lean thinking and Six Sigma with project management and technology innovations, the firm has demonstrated how such an approach can provide a foundation for achieving both short-term efficiencies and a CLO's longer-term business objectives.

Understanding these concepts is critical for law firms to appreciate their clients' priorities and plan accordingly. Most law firms can use these methodologies to more accurately develop work plans and establish pricing levels for alternative fee arrangements (AFAs). And all CLOs welcome a legal team that actively seeks ways to cut waste out of the legal process.

Against this background, this article explores continuous improvement methodologies that can be applied to litigation practice, including:

- Process improvement using Lean Six Sigma.
- Project management.
- Technology solutions.
- Additional strategies to build on core methodologies, such as zero-based services, future solutions and strategic linking.

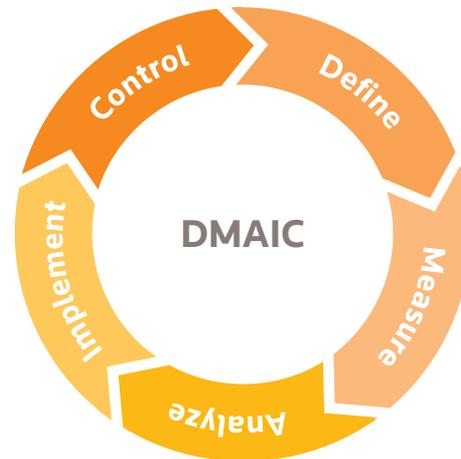
It also considers how these methodologies can all fit together and be implemented in a law firm or law department setting.

LEGAL PROCESS IMPROVEMENT

Legal process improvement offers the greatest opportunities to increase efficiencies and reduce costs in a litigation process. Techniques from traditional Lean thinking and Six Sigma principles

can be combined and tailored for legal matters. The Lean Six Sigma framework uses the following five key steps, known as DMAIC:

- Define the problem and why it needs to be solved. For legal matters, this means defining client value or the "voice of the client."
- Measure the current performance of the process, typically using a process map.
- Analyze the opportunities to reduce waste or variations.
- Improve the process by piloting, implementing and validating process changes.
- Control the process to ensure sustained improvements.



ORIGINS OF LEAN SIX SIGMA

Lean thinking is a continuous improvement philosophy that originated in the automotive manufacturing industry. Toyota began developing it in the 1940s based on Henry Ford's continuous flow assembly line. Lean practitioners focus on eliminating wasteful steps from processes, leaving only the steps that add value to the final product or service. In essence, Lean processes provide what is needed, when needed, in the amount needed, using only the minimum materials, equipment, labor and space necessary to add value.

Six Sigma is a quality improvement methodology that borrows its name from a statistical term. Motorola developed this methodology in the mid-1980s after recognizing that products with high initial quality rarely failed in use. General Electric followed suit in the 1990s, and Six Sigma has since been widely adopted in a broad range of product and service industries.

"Sigma" refers to deviations from a "zero error" state. A Six Sigma process is accurate 99.9% of the time. For example, if a company makes heart defibrillators, each defibrillator use would be measured as a correct fire or a misfire (an error). At one sigma, the defibrillator would misfire 690,000 times for every one million times the doctor fires. At six sigma, the misfire rate drops to 3.4 per one million fires.

Although developed in manufacturing industries, Six Sigma can be equally effective in service industries. Anything that can be tracked and measured can be receptive to continuous improvement. For example, an insurance company could set a goal of fewer than 3.4 errors per one million claim forms

Lean thinking increases speed, reduces waste and simplifies processes, and Six Sigma increases accuracy and focuses on the client's objectives. If a lawsuit is viewed as a process, the Lean Six Sigma methodology can be applied to attack waste in each step, from the initial complaint through settlement or trial.

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Lean thinking increases speed, reduces waste and simplifies processes, and Six Sigma increases accuracy and focuses on the client's objectives. If a lawsuit is viewed as a process, the Lean Six Sigma methodology can be applied to attack waste in each step, from the initial complaint through settlement or trial. Errors or variations in the litigation process that may be identified as waste include:

- Redrafting or correcting another lawyer's work product.
- Preparing materials far in advance of when needed.
- Failing to allocate work to appropriate personnel.
- Inefficiently or ineffectively communicating with the client.
- Waiting to receive necessary information from the client.

Additionally, by applying a Lean Six Sigma approach, legal teams can improve and standardize a variety of litigation tasks, projects and processes, including generating protocols for:

- Issuing litigation hold notices.
- Communicating with the client or business unit.
- Assigning new work.
- Conducting discovery.
- Negotiating settlements.

DEFINE CLIENT VALUE

Lawyers and clients must work together to articulate exactly what success and value mean to the client. This is a key feature of Six Sigma, known as "voice of the client." It is similar to the engagement phase in traditional project management, where the lawyer meets with key stakeholders to ensure she understands their objectives, expectations and success factors.

Client value often involves a subjective balancing of:

- Costs and benefits.
- Predictability of process and results.
- Achieving desired outcomes.
- Delivery of high-quality service and legal excellence.

Defining value and success for the client helps shape the litigator's actions. Any broad goal may also contain subtler objectives. For example, while a client may have a general goal of settling a lawsuit and avoiding trial, it may also value reaching

a settlement in the fourth fiscal quarter of the current year more than in the first fiscal quarter of the next year. The litigator can plan accordingly and set out each step and resource needed to reach the client's time-sensitive target.

Questions that a lawyer may ask the client during this phase include:

- What is unique about your business?
- How do you define success?
- What are your company's goals?
- How will legal outcomes support business strategy?
- What are your biggest challenges?
- What attributes are most important to you when working with outside counsel?
- What are your preferences for status reporting?

The answers to "voice of the client" questions can serve as guidance throughout the life cycle of a matter. The nature of the matter may determine how often a lawyer revisits or reassesses this information with the client. Generally, this should be at least once per phase (for example, before discovery, after discovery, before trial and after trial). Circumstances or individual client relationships may dictate higher frequency.

MEASURE CURRENT PERFORMANCE

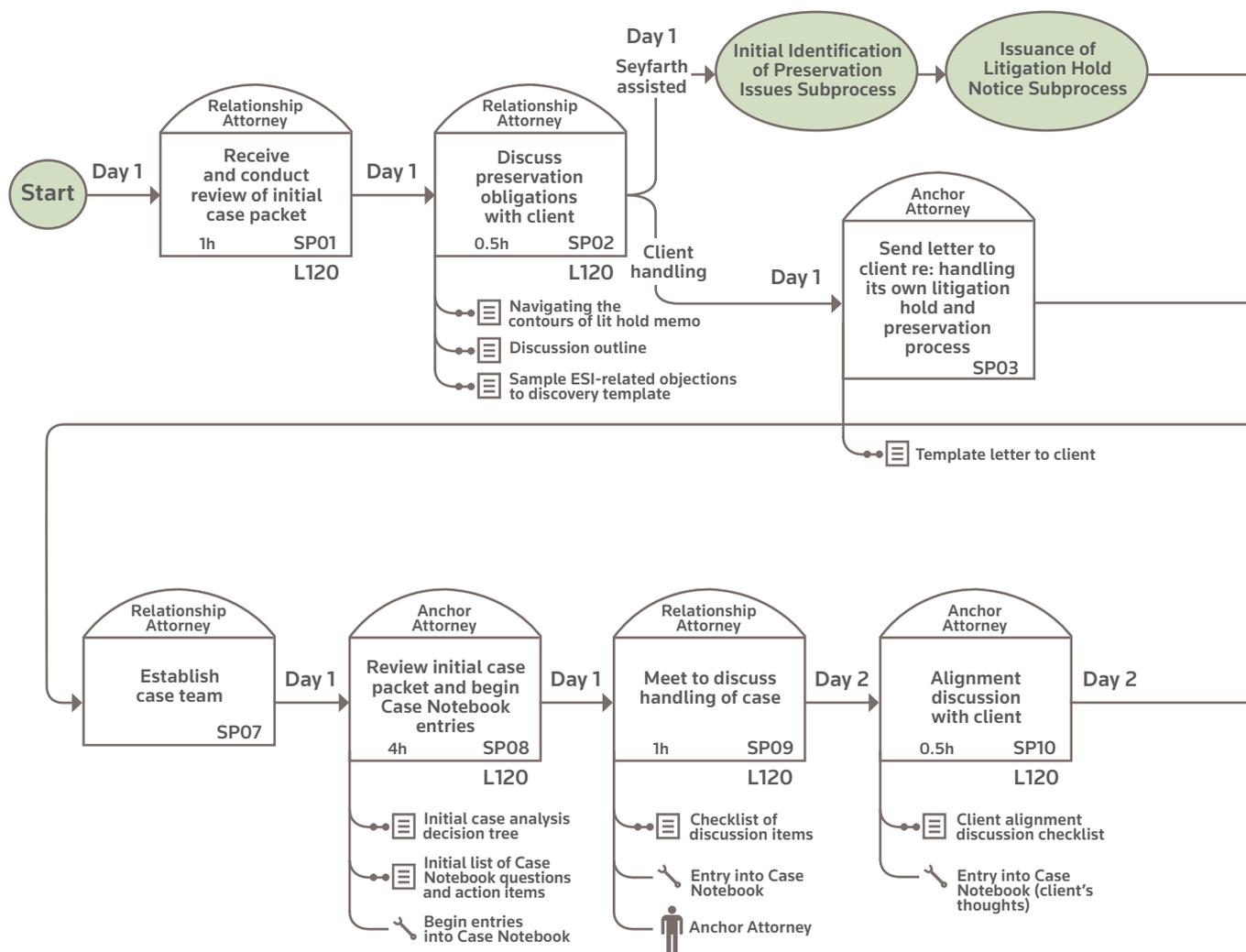
With the client's objectives in mind, the next step is to understand how the existing process works. This is the "current state." The measurement phase seeks to establish a baseline before changes are implemented from which to compare future performance after process improvement. This can be done through process mapping. A process map is a diagram that shows the key steps in the process, arranged sequentially. For example, responding to interrogatories in litigation is a process that may involve the following steps:

- Conducting client interviews.
- Reviewing documents.
- Researching potential objections.
- Drafting written responses.
- Obtaining verification from the client for the responses.

The metrics used to compare the current and the post-improvement states should support what the client values. For example:

- If the client values shorter resolution periods, the metric could be the time it takes to complete each step.

Sample Process Map: Commercial Litigation



- If the client values less unnecessary correspondence, the metric could be the number of daily or weekly e-mails from outside counsel.
- If the client values more predictability in litigation costs, the metric could be billable hours or dollar amounts.

Any metrics used should:

- Be easy to track.
- Be objective.
- Tie into the process map.

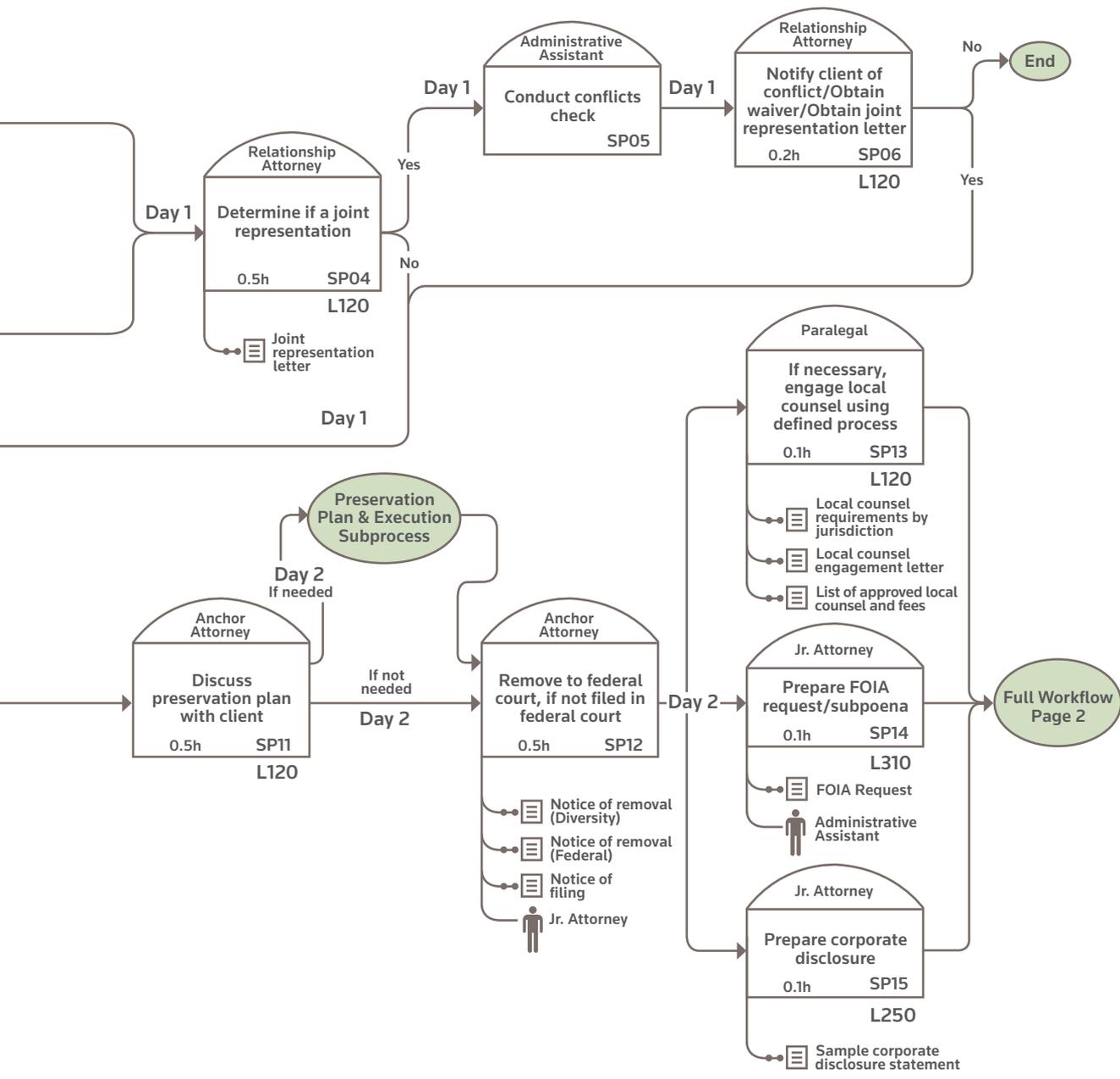
Process maps can initially be drawn with a pencil and paper. Later, they can be recorded using software tools such as TaskMap (an overlay to Visio). Each process map can be tailored to the needs of

individual clients or matters. Once the process maps are created, they can also be linked to key knowledge management tools, such as case analysis, checklists and standard forms.

Everyone with expertise or involvement in the legal matter should participate in creating the process map, which may reveal some surprises. The trial lawyer may describe a process very differently than the paralegal, and the client may add steps the law firm does not know about. The current state process map should capture all significant variations. Each variation presents an opportunity for improvement.

ANALYZE OPPORTUNITIES TO REDUCE WASTE

The analysis phase is where the legal team looks critically at the legal process and assesses the best ways to make



improvements. At this point, the team can use several methods to identify and reduce waste, including:

- Examining the process maps.
- Performing a root cause analysis.
- Employing the “y is a function of x” technique.

Examining the Process Maps

Process maps help lawyers and clients visualize and pinpoint opportunities for change. Most legal teams find several sources of waste when creating and examining the process maps. For example, the current state process map may show:

- A series of calls between the law firm and the client to collect information for filings, each of which takes time and interrupts the workflow for both the firm and the client.

- Documents cycling among junior associates, junior partners and senior partners.
- Several approval steps within the client’s organizational structure that are required to answer simple questions.

The team analyzes each step of the process asking:

- Is the step necessary?
- How can we reduce the activities to accomplish the step?
- How can we keep the focus on improving the process metrics?

If time is the key metric, the team may decide to keep certain activities because they actually reduce the overall time needed to complete the process. In contrast, if number of steps is the key metric, the team may decide to eliminate certain activities even though doing so increases the overall time. If a client values

A Case in Point: Managing the Litigation Portfolio

A large US defense contractor with multiple business units across the country needed a single law firm to handle its high volume of litigation and counseling needs. The client identified greater consistency in practices, quality of outcomes and efficiency as success targets for the legal team.

Process improvement was key to meeting the client's objectives and delivering value. With input and support from the in-house lawyers, the selected law firm:

- Conducted extensive "voice of the client" interviews with corporate and division counsel to identify issues and potential root causes at the portfolio and matter levels.
- Developed a standard trial process map to assess each case for its potential to go to trial on the front end and throughout the case.
- Launched a new trial approach that triaged cases and staffing based on potential risk, with a flat fee AFA.

The overall strategy led to improved outcomes and provided the client with greater predictability of its legal expenses. It created cost savings of 30% on an average per-matter basis for single-plaintiff employment litigation, based on a five-year track record of nearly 180 matters.

both fewer steps and less time, the team may be forced to revise or even eliminate the entire process.

Root Cause Analysis

Lean thinkers often use some form of root cause analysis, applying the "Five Whys." The team asks "why" at least five times, digging down from superficial views of a problem to the root cause. For example, when analyzing why a client did not have enough time to review draft interrogatory responses, the analysis might look like this:

- Why did the client have only one day to review the draft responses? Because the lawyer did not finish drafting them until two days before the responses were due.
- Why did it take so long for the lawyer to draft the responses? Because he did not get all the information from the client earlier.
- Why did it take so long to get the information? Because the client did not understand the scope of the requests.
- Why did the client not understand the scope of the requests? Because the lawyer and client did not go over the requests together.
- Why did the lawyer not review the requests with the client? Because he assumed the client understood how to read discovery requests.

After completing the root cause analysis, the legal team can change the process appropriately. In this example, going forward, the lawyer and client must review each request together before the client assembles responsive information.

Y is a Function of X

The "y is a function of x" technique requires the legal team to identify the major causes (x) of a specific outcome (y) to improve. The team eliminates those causes it cannot control and then focuses on the most likely remaining cause of the outcome. That cause becomes a new outcome and the process starts again, with the team looking for causes of the new outcome.

For example, if the client regularly receives draft interrogatory responses too late for proper review, the team can use "late draft responses" as the outcome. Causes might include the following:

- Slow drafting.
- The drafter did not get all of the responsive information on time.
- The opposing party sent amended interrogatories.

Because the team cannot control if or when the other party amends its interrogatories, that cause is dropped from the analysis. However, the team can identify better ways to get responsive information on time, so that becomes the new outcome. The team then lists the reasons the person drafting the responses did not get the necessary information on time. By repeating this cycle, the legal team can ultimately improve the delivery time for draft interrogatory responses.

IMPROVE THE PROCESS

Once the process map is drawn and the analysis is complete, the legal team can begin removing unnecessary steps and activities. For example, if circulating draft interrogatory responses to several non-lawyers at the client's offices does not add value, the team eliminates this step. Likewise, if making copies of the draft responses and putting them in three separate files for recordkeeping purposes does not add value, the team ends this practice. Each step or activity that is eliminated shortens the value chain, which is the distance between the start of the process and the final goal.

Additionally, during the improvement phase, the legal team may:

- Document new practices.
- Develop new client protocols.
- Conduct training on new processes and use other hands-on project management tools, such as project plans and reporting schedules (see below *Legal Project Management*).
- Create standard forms and use document preparation software.
- Implement data integrity and quality control procedures.

Some of these documents and approaches can also be incorporated into law firm knowledge management systems.

CONTROL THE PROCESS

Once the legal team settles on a revised process, it moves to the control phase to lock in this desired future state. To help establish control over the future state and assess the "stickiness" of process improvements, the team may:

- Use standard procedures, forms and communication protocols.
- Repeatedly measure actual performance against the team's standards and the client's goals.
- Refresh its focus on the voice of the client.

Another tool used during the control phase is after-action review or "lessons learned." Through either a formal review or a simple follow-up conversation, the key stakeholders assess the steps that went well during a litigation and identify additional improvement opportunities. With metrics showing the improvement results, the lawyer and client start the process over again. Each cycle builds on prior gains, reflecting continuous improvement.

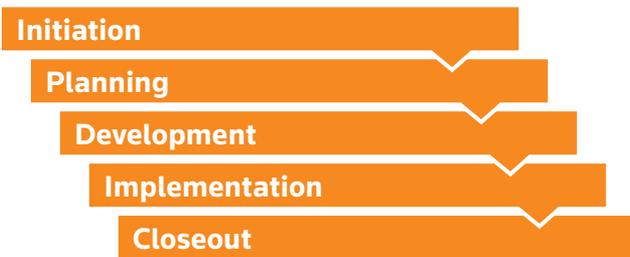
LEGAL PROJECT MANAGEMENT

Legal project management focuses on the main steps of a project, providing coordination among the players, teams and workflow streams to keep everything moving efficiently toward the final goal. Two schools of thought are being utilized by law firms and law departments. Both require interpretation and adaptation to the legal environment.

Traditional project management principles must be adapted to address the unique characteristics of legal matters, such as rapidly changing circumstances, third-party intervention and an evolving set of facts.

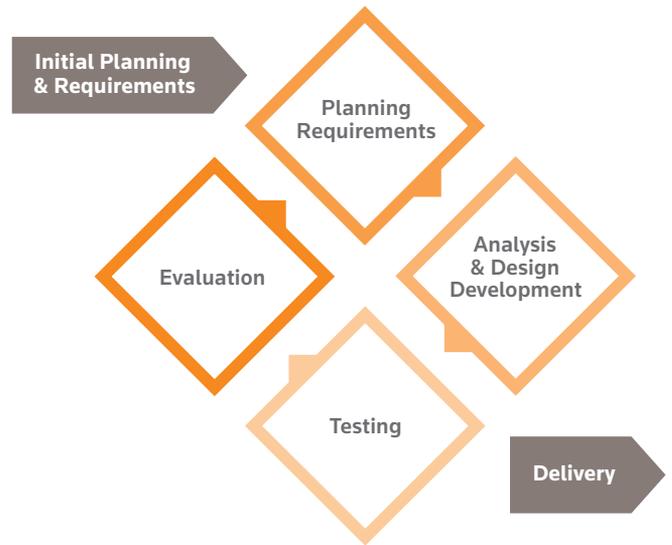
Traditional project management uses the waterfall principle. The project manager, working with the team, defines and sequences the project steps from beginning to end. Some steps may occur concurrently, but traditional waterfall project management assumes each key step must be completed before the next step begins. This is an advantageous approach when the matter or project has a highly predictable path, with few changes or unknown variables.

Waterfall Project Management



A second style of project management, called agile, has become the gold standard approach by software developers to better address the constantly evolving nature of their work. Seyfarth and a few other law firms have begun to apply and adapt this approach to legal work. In contrast to the traditional waterfall approach, agile project management uses a series of short mini-projects, called sprints, to move a project from start to finish. At the outset of an agile project, the team establishes overall project goals. It then sets goals for the first sprint, runs the sprint, sets new goals near the end of the first sprint, and repeats this iterative process of goals and sprints as the project moves forward. During an agile project, the team may drop some goals and add new ones.

Agile Project Management



Building on these concepts, law firms and law departments can implement a project management approach tailored to their legal matters. For example, a legal team might typically do some work early in a litigation to prepare for mediation at the close of discovery. Using agile project management, the team would hold off doing this work until just before the mediation. However, this may not be the most prudent approach in practice. Instead, the legal project manager must adapt the project management approach to the evolving discovery process and schedule the mediation preparation work at an appropriate time in the project.

A legal project manager should have the training and experience to apply the principles of traditional and agile project management, coupled with an understanding of how legal matters function. Complex litigation projects or processes have many moving parts, often on tight timetables. Professionals trained in legal project management have expertise in workflow design and can develop solutions addressing flow and quality issues. They have cross-discipline training complementing lawyers' strategic and legal skills and clients' business knowledge, and their solutions often include technology tailored to legal matters. Legal project managers should have certifications such as Project Management Professional (PMP) or agile certification through the Project Management Institute (PMI).

LEGAL TECHNOLOGY SOLUTIONS

Many law firms and legal departments have experimented with legal technology solutions, even before the rise of electronically stored information. Although most litigation technology solutions focus on electronic discovery, other litigation phases also present opportunities for better matter management through the strategic application of specialized technology tools.

Legal teams can customize existing software platforms for their specific needs and project types. These tailored solutions, supported by other core methodologies, serve many purposes. For example, they can be used to streamline processes by:



- Functioning as intake portals to quickly filter new lawsuits and make preliminary counsel assignments.
- Performing case tracking and analysis.
- Enabling lawyers working on similar matters in different jurisdictions to share information more effectively and efficiently through:
 - document and information repositories;
 - brief banks; and
 - information sharing portfolios.

ENHANCED STRATEGIES

By combining legal process improvement, project management and technology solutions into an operational excellence package, law departments can realize substantial gains in litigation efficiency and cost control. Law firms are critical partners in this effort and may drive their clients to adopt these methodologies.

These core building blocks can also establish a foundation upon which to construct additional strategies for longer-term gains, such as:

- Zero-based services.
- Future solutions.
- Strategic linking.

ZERO-BASED SERVICES

A zero-based services approach, similar to zero-based budgeting, is used to identify the most efficient ways to use limited corporate resources. A financial analyst starts with a blank page and examines each budget line item, finding alternative ways to do the work along with the cost of each alternative. By questioning the need for each line item and identifying the best-cost solution, zero-based budgeting avoids the fallacy of assuming the previous budget is the best starting point for the current budget.

A zero-based services litigation strategy employs the same basic approach to a single matter, such as a class action lawsuit, or to an entire portfolio, such as multiple single-plaintiff lawsuits that share the same or similar components. Usually, a CLO starts by breaking down the lawsuit or portfolio into various components and working through the options for each one, while focusing on client service and risk. Options may include:

- Resource allocation, including the use of in-house lawyers or other law department personnel, outsourcing, traditional law firm services and technology solutions.
- Process changes, including the elimination of a component (for example, no longer pursuing certain depositions as part of a basic litigation strategy).

A zero-based services strategy forces the CLO to examine the law department's mission, the organization's risk tolerance levels, and evolving service and technology options. Each part of a lawsuit must pass the zero-based analysis. Supported by process improvement and project management, each remaining component then becomes more efficient and cost effective, further driving down legal spend.

FUTURE SOLUTIONS

In-house lawyers have counseled their clients for years that the easiest and least costly problem to solve is the one that was avoided. A future solutions strategy seeks to put that maxim in action by developing integrated business-law solutions that mitigate future risks. The CLO and outside counsel assess future risks based on their deep understanding of the company, its industry, competitive pressures and changing business opportunities. They work with business leaders to project the arc of each unit's business activities and evaluate how those activities interact with changing legal, compliance, regulatory and risk management trends.

Instead of operating in a reactive mode, as law departments often do, a future solutions strategy pulls lawyers into potential issues earlier and leads to more successful outcomes. By working through this process, the legal team can:

- **Develop programs that anticipate litigation risks from future business plans.** For example, a consumer product manufacturer introducing a new product with certain innovative features might anticipate litigation as consumers learn how to use those features. Working with the legal team, the manufacturer might do more than simply apply warning labels to the product. It might develop training videos and other materials that instruct consumers on the proper use, hold in-store sessions and take other proactive measures.
- **Build risk mitigation measures into evolving business practices.** Often, new business plans do not go through a "risk review." During a risk review, the business leaders walk through the new business plan, including the details of new products or services, with the legal team. The focus of this process is on identifying potential risks and ways to mitigate them. Even seemingly benign products and services usually carry some risks. Identifying them early and implementing mitigation strategies reduces those risks.
- **Create and deliver solutions before a third party can develop claims.** All companies accept some level of risk from their products and services. Identifying those risks and then thinking through the likely claims allows the legal team to prepare defenses to those claims before they are brought. As the lawyers develop these defenses, they can identify additional mitigation strategies, further reducing the risks of potential claims. This form of "risk engineering" has other benefits as well. Construction of the product or service may be simplified (simpler products and services typically present fewer opportunities for mistakes), costs for the product or service may be reduced, and the time to build or prepare the product or service may be reduced.

Legal process improvement and legal project management methodologies form the foundation for this approach. Using these techniques, the team identifies key risk areas, maps processes for addressing those risks and keeps the mitigation work on track from beginning to end. These methodologies do more than drive efficiencies and cost effectiveness in already-filed lawsuits. They are also tools to restructure the organization's environment so that future lawsuits are avoided altogether or handled far more efficiently and effectively through advance planning.

A Case in Point: An Integrated Approach to Litigation Savings

A retailer faced an escalating number of personal injury lawsuits relating to store conditions. In each case, the plaintiff alleged unique facts that led to the injury. However, across the lawsuits, the facts about the stores were relatively consistent. Each lawsuit was covered by insurance if the costs to defend plus damages or settlement exceeded \$250,000, but almost no cases were resolved above that threshold. At the inception of the process improvement program, the retailer faced more than 100 lawsuits, with an average cost per lawsuit of approximately \$50,000.

A combination of process improvement and project management, with the use of an AFA, helped the retailer manage its defense costs. In particular:

- Although the plaintiff's facts varied by lawsuit, the steps to defend were comparable. This allowed the legal team to consolidate tasks and develop a consistent approach.
- Through the AFA, the retailer achieved predictability for defense costs and incentivized outside counsel to increase efficiency in its practices.

The integrated approach reduced the volume of lawsuits pending in the portfolio from approximately 100 at any given time to less than 10. The average cost per lawsuit also dropped from approximately \$50,000 to less than \$10,000. Overall, the retailer lowered its projected uninsured risk exposure from \$5 million to \$100,000.

STRATEGIC LINKING

Strategic linking builds further on a future solutions approach, making the law department an integral part of the structure for achieving strategic business objectives. A CLO works with the CEO and other company executives to develop law department programs that go beyond mitigating risk by also supporting and even driving strategic plans. Embedding the law department's strategic plan within the corporate strategic plan closely integrates transactional, compliance and risk reduction strategies with financial, operational and organizational strategies. This link avoids the bolt-on effect many law departments experience and ultimately helps reduce waste, implementation times and frustration levels.

Moreover, in today's increasingly regulated environment with greater compliance risks, trusted legal advisors can do more to help their clients than only defend against claims. Companies have used strategic linking in areas such as intellectual property and financial products. For example, some companies have moved past traditional approaches to patent litigation defense and have made developing or acquiring robust patent portfolios a part of their business strategy. These companies are not

non-practicing entities. Rather, they use patent acquisitions to expand their business horizons and gain access to key technologies, recognizing that broad patent portfolios also give them strong defenses to claims by non-practicing entities.

In the financial product arena, law departments have worked with business units to shape rules and procedures that allow companies to develop new products. By considering how the products will be regulated, the law departments assist the business units in designing the products to present lower risk levels. This early law department involvement reduces the likelihood of future litigation.

PUTTING IT ALL TOGETHER

Process improvement, project management, technology solutions and related methodologies together provide a powerful toolkit for legal teams to target inefficiencies in litigation management and perform critical risk management functions. An integrated approach:

- Helps build long-term waste avoidance into litigation processes.
- Establishes a long-term cost savings model, as compared to traditional cost savings methods that yield only short-term results.

Additionally, these methodologies help law firms and law departments address other concerns, including job satisfaction. Removing wasteful activities that add nothing to the value of the work product reduces stress from workloads, eliminates tedium and avoids team conflict. Further, legal teams that focus their time on value-added activities, and integrate law department functions more closely with the business units, can drastically reduce or even eliminate litigation.

FOCUSING ON LITIGATION MANAGEMENT

Litigation is an area where CLOs exercise enormous control and have the opportunity to positively influence their organizations in many ways. Legal process improvement methodologies like Lean Six Sigma are not tied to a particular type or size of litigation, and can be applied to a single lawsuit, multiple lawsuits or a full litigation portfolio.

For the one-off lawsuit, these methodologies present several opportunities for increased efficiency and continuous improvement. For example:

- Using voice of the client, the lawyer and client define up front the litigation goals.
- Adding a legal project manager, the legal team establishes the first steps for the litigation, focusing on the client's goals.
- The team then identifies goals for the first steps, a timetable for completing the steps and the resources needed to complete the steps.
- As the litigation moves forward, the legal project manager helps the team stay on track with periodic, brief meetings to assess the progress on current steps and goals for the next step.

As the course of the litigation changes, the team can adapt quickly because each intermediate step has only a short duration.

Clients with litigation portfolios have even greater opportunities for improvement. By looking across multiple cases, the legal

CHECKLISTS

The following related Checklists can be found on practicallaw.com

>> **Simply search the resource title**

[Lean for Law: Legal Process Improvement Checklist](#)

[Case Assessment Decision Tree and Costs Worksheet](#)

[Document Discovery Planning Tree](#)

[Employment Litigation: Case Assessment Checklist](#)

team can identify systematic ways to improve processes, eliminate variations and reduce costs. This may include:

- Identifying optimal ways to handle all aspects of discovery.
- Using brief banks, checklists and document repositories.
- Developing workflow maps (to show who does what when).

IMPLEMENTING CHANGE

Most law firms and law departments can achieve high levels of success by implementing some combination of these continuous improvement methodologies and strategies, even without undergoing a full Lean transformation. Indeed, some law departments may find that changing to a Lean department is unnecessary and can be counterproductive if the business organization itself is not also transforming to a Lean culture.

Law departments that want to take that next step and go through a Lean transformation must:

- **Learn the philosophy.** The legal team must firmly understand the philosophy and implementation of Lean.
- **Accept culture change.** The legal team must find ways to transition the culture from the old to the new. For organizations that readily embrace change, a law department Lean transformation may take without undue effort. However, most CLOs will find that their legal teams are less eager to make this transition.

Because lawyers are trained to manage and reduce risk, their reluctance to change is not surprising. Change generally presents a higher risk than maintaining the status quo. Any CLO contemplating Lean changes, whether big or small, should:

- **Clearly identify the goals and timetable.** The CLO must set specific objectives and communicate them to the legal team.
- **Establish frequent and visible support from the top.** If the CLO does not clearly support the effort, it will not happen.
- **Expect participants to show varying levels of support.** There will be some employees who strongly support change and others who strongly oppose it. The majority will likely adopt a "wait-and-see" attitude. Over time, the CLO should try to move the wait-and-see group into supporters. Employees who oppose change may become isolated and decide to leave. If they stay, the CLO may need to transition them out of the organization.
- **Treat change as a journey.** To succeed with change, the legal team must implement it over long periods, usually years, and persistently adapt their culture to a Lean way of thinking.