

What's Wrong With This Process? Why Are So Few Lawyers Willing to Assess How They're Delivering Legal Services?

By [Carla Landry](#) on May 7, 2013

Last month I wrote that lawyers still hadn't decided which should come first between legal project management (LPM) and legal process improvement (LPI). It had been two years since I first wrote about it and yet the question was still out there.

A number of interested parties reached out to me by email and a couple with blog comments saying that it's true, although the most logical order of things would be LPI then LPM, it turns out most lawyers chose to focus first on LPM.

Jeffrey Carr, VP and GC of FMC Technologies, a Fortune 500 company, summed it up nicely when he commented that the order of adoption is not relevant because they are two different things. "LPI is about designing a process – LPM is about operating it." He goes on to comment that "many firms focused on LPM first because it's easier and – to be very cynical – consistent with the inefficient cost-plus business model that has prevailed for so long." Although I'm certain there are lawyers and law firms that chose to focus on LPM first (and sometimes exclusively) for that reason, I believe other reasons are involved as well.

In my experience, the resistance to LPI falls into several categories and each are worth exploring and demystifying (and we'll do so over the course of a few blogs):

- Recognition that other things are impacted by changing how services are delivered and too overwhelmed to know where to start (e.g., staffing, fees, compensation)
- Belief that services (and people) will become commoditized by "standardizing" the process
- Lawyer personalities and resistance to change

First, LPI does impact other things...and it should...but that doesn't mean it all has to be tackled (or "fixed") at the same time. When a process is streamlined, staffing needs change. Ideally, lower rate professionals will be able to complete more standard tasks. That's the point. Those tasks that are repetitive across matters should be done in as uniform a manner as possible and by the lowest cost professionals possible. The unique tasks should be the focus of the highly experienced lawyers.

Fees will change. Again, that's the point. The idea is to have routine matters handled at the lowest possible level – use technology or non-timekeepers, if possible – in order to reduce the cost of the service to clients. This means that lawyers and firms need to rethink how to maintain profits under that scenario. Fixed fee billing which is accurately priced and managed to budget is often the answer. This is where strong LPM skills are critical.

Compensation systems are still frequently linked to bulk revenue, not efficiency or low cost or profitability. This may be the last thing to change, but that doesn't mean firms should continue to deliver legal services in an inefficient manner. Delivering value to your clients should be the driving force behind your choices, not your compensation system. If not, you're likely going to lose your clients.

It's possible to affect change one piece at a time. To point back to Jeffrey Carr's comments, "perhaps the best way to think of this is as a three step holistic and continuous cycle: (1) plan/organize; (2) execute flawlessly; and (3) assess/improve. Since it's a continuous circle, it doesn't really matter where you enter." And as I mentioned in a blog last fall, "the point is to get started somewhere...."