Definitely Mabey

Getting the work done right

"If you're making the customer do any extra amount of work, no matter what industry you call home, you're now a target for disruption. It's all about reducing choices and unnecessary steps, narrowing clutter, and adding a touch of class to boot."— Aaron Levie, CEO and co-founder of Box, Fast Company, May 2012, Expert Blog section

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Quality control is one of three drivers of profitability in a flattened or mature market. For the most part, in many firms, formal quality control procedures are trumped by autonomy. In fact many firms share a common approach to quality control—they hire good lawyers!

Just as hope is not a strategy, relying on hiring the brightest lawyers as your approach to quality control is increasingly risky.

Alternative service providers like legal process outsourcers have been able to make significant inroads with clients because they have embraced and enforce formal quality management systems.

To be an effective quality control management system, it needs to stress the following principles:

- ethical conduct;
- independence and objectivity;
- continuing competency;
- due care and quality of work;
- clarity of wording and guidance;
- firm member development, satisfaction, and retention; and
- practicality and relevance balanced with economics, firm size, and resources, and reasonable cost-benefit considerations for both the client and firm.

Knowledge management in law firms has been gaining popularity in the press in recent times and while it is important to the long-term success of firms, it is not an appropriate substitute for a comprehensive quality-control management strategy.

The quality-control management strategies that some leading law firms and all of the established LPOs have embraced include the following components:

- continuous professional training;
- formal work intake and allocation procedures;
- evolving knowledge management systems utilized by all;
- internal spot checks for compliance and adherence to work methodologies and standards;
- formal quality audits;
- dealing with complement issues in a direct and timely manner;
- formal review process before work delivered to clients;
- project management as it relates to budgets and timelines for work undertaken; and
- timely progress and end-of-file reporting and feedback procedures.

As with most things in business, some of the above components are more critical than others in order to successfully manage quality control. The three most critical are: training, project management, and supervision.

When I speak of training, I am speaking both of everyone,
from the most senior practitioner to the newest lawyer, and

every aspect of client service from ethics to use of the firm's knowledge management systems; to communication strategies in both good and challenging situations; to tracking of time; to interim reporting; to the firm's cost of doing business; to core competencies; etc.

"There has and continues to be lots of hullabaloo about project management..."

There has and continues to be lots of hullabaloo about project management. However, in keeping with Aaron Levie's blog on the power of simplicity, let us boil it down to the following steps:

1. Upfront meetings with clients to both understand their desires and set expectations.

2. Making sure the assigned lawyers understand what is and is not to be done and the desired length of time they have to do it in and perhaps most importantly:

    a. decisions that only the lawyer doing the delegation can make;

    b. decisions that while the lawyer doing the delegation must make, they are looking for recommendations to be brought forward by the lawyer assigned to do the work/file;

    c. decisions that the assigned lawyer can make but the lawyer doing the delegation should be apprised of on a timely basis; and

    d. decisions that can be made by the assigned lawyer and don't have to be specifically reported back to the lawyer delegating the work/file.

3. Progress reporting to client of the work being done.

The final component is supervision, which is likely the most threatening to your lawyers' sense of autonomy. And in terms of supervision, I am talking active, not passive, that could and should include:

- peer reviews;
- unscheduled reviews of files to ensure compliance with both the client's instructions and the firm's policies and procedures;
- second opinions on higher risk advice—both client and the firm;
- repetitive checking of progress against plan, both financial and who is doing the work; and
- correction, if any of the forgoing actions results in detecting quality-control issues.

In order to successfully generate greater profitability from your existing book of business, firms must deliver on their implied promise of quality. In order to do this consistently and in a provable fashion, you need to have formal working quality-control processes in place.

Until the next column remember as Karl Albrecht is attributed as saying:

"You seldom improve quality by cutting costs, but you can often cut costs by improving quality."

Comments or Questions?

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