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Executive summary

This book is a thought leadership piece that aspires to relate the foundational concepts and vocabulary of Lean and Six Sigma as well as other process improvement methodologies, including Plan, Do, Check, Act (PDCA), Legal WorkOut®, Business Process Redesign (BPR), Robotic Process Automation (RPA), Theory of Constraints, Gemba, and 5S. It describes how they are combined with project management and other approaches originally developed in other industries and explains how they apply and how to employ them in a legal environment.

To state the obvious, law is different to manufacturing. However, the same thinking, frameworks, and tools can produce the same extraordinary results and experiences. It does take some bridging. All legal departments, law offices, and firms, wherever they may fall on the process improvement continuum, will benefit from learning about the use of Lean and Six Sigma in a legal context.

This second edition includes new content in the areas of process improvement, project selection, structure, roles, responsibilities, and planning as well as deeper dives into how to use key concepts, structures, and tools such as the DMAIC (Define, Measure, Analyze, Improve, Control) framework and the activities involved in each phase. It also explores the more important organizational development and strategy elements of building a continuous improvement culture. A review of readiness and operational excellence assessments, change management, and new information that helps make the case for continuous improvement is also included.

Whether your organization is just beginning to hear about these things and is curious about them, has developed skills and is undertaking projects, or has a fully branded continuous improvement or innovation strategy or program grounded in Lean Six Sigma, this book is intended to serve as a resource.

Since the publication of the first edition a decade ago, more people, teams, practice groups, departments, and legal organizations have embarked and traveled on their continuous improvement journeys. Still, there are many who are new to legal and will benefit from learning how to translate the tried-

and-true methodologies to law, and those that remain at the exploratory end of the spectrum and are just “beginning to think about starting”.

Change can take a while, especially in our environment. Law, it is well known, can be slow to change. However, our recent collective global experience in making changes quickly, adapting, and “pivoting” in response to the COVID-19 pandemic and its aftermath have taught us that we’re actually very good at finding new ways to do things – and then implementing them rather quickly. We’ve also discovered that those new ways are not only better than the way we had grown accustomed to operating, but they became “the way we do things here” faster than we could have imagined.

There is a lot of pressure to be efficient, so there is no room for complacency in today’s environment. It’s competitive. Those legal and business professionals in firms, offices, and departments who have been waiting to find out how this PI/PM stuff works for others will learn plenty from those who have gone before them. We do, after all, respect tradition and precedent. But there’s a balance to be found between learning from the past and using that knowledge to prepare and act now to better our current and future state. It takes leadership. It takes teamwork. It takes curiosity. It takes a certain relentless drive to improve every day – and the best always want to be better!

Some ideas will come from other industries and our clients – the challenge for us is how we might apply them in our environment. Case studies and inspiration may come from direct competitors, driving readers from a position of mere interest to acting out of necessity. The competition may already have robust programs in place with cadres of skilled Lean and Six Sigma practitioners, a host of project managers, and dozens of completed projects backed by tens of millions of dollars in improvement benefits. So called “New Law” firms and “alternative service providers” (or, as I like to call them, “service providers”) are doing and delivering work like document review and contract life cycle management by harnessing the power of process improvement and technology/AI.

This second edition relates updated success stories and case studies to shine a light on those in law that are already employing process improvement and project management approaches and tools. Every firm and department now understands for real that “culture eats strategy for breakfast” and that the key to unparalleled client and employee experiences is to focus on People, Process, and then Platform. More of law is being run like the best businesses in the world.

For every one example that is featured in this book, there are hundreds of

teams – small, medium, and large – that are quietly and seriously developing competitive advantages using process improvement. Understandably, many are sensitive about the type and level of information they wish to share and make available to others – after all, it’s their version of a “secret sauce”. Many are using their successes as the cornerstone of their strategy, marketing, and sales.

I think about process improvement a little like music – we all have the same notes and theory at our disposal. It’s how one arranges and performs them that makes the difference between a song you want to listen to over and over throughout your life, a one-hit wonder, and another that you skip past.

So it is with process improvement – we all have access to the same concepts, framework, and tools. It is the combination and the selection of the right people, approach, and tool that makes the difference. One key point to remember is that there is no single “right way” to do process improvement work. Rather, each organization and every project is different. Creating and building a culture of continuous improvement requires us to acknowledge nuances, organizational readiness and maturity, the positioning and competitive landscape for that organization, the classic TOWS (Threats, Opportunities, Weaknesses, Strengths) elements, their clients, and other business drivers.

Why? Because when we do this work, we not only improve the process on which we are working, we also deliver greater value, efficiency, and predictability, while increasing our quality and likelihood of successful outcomes.

If that is not compelling enough, here’s another benefit. When we do this work well, it is always done without tradeoffs. Rather, these are golden opportunities to create the proverbial win-win for everyone – the client, the employee, the department, and the firm or office.

In summary, I hope to accomplish several things in the second edition of this book:

- 1) Explain what Lean and Six Sigma are;
- 2) Make the connection between and the case for Lean, Six Sigma, and project management;
- 3) Demonstrate the different ways in which Lean and Six Sigma may be employed in law;
- 4) Publish a collection of ideas, case studies, and examples to update what was the very first report of its kind on the topic of legal process improvement a decade ago; and

- 5) Continue to effect – and even accelerate! – the shift toward the applicability and acceptance of process improvement in the law as significantly closer to the norm.

The innovators and early adopters in this space have much to teach us and we owe them a debt of gratitude at the very least for providing us with what those in the law prize – proof and precedent. Lean Sigma and the other ideas in this book work – they all work in legal, and they will work in your organization.

This book is for those interested in learning (or learning more) about the different approaches to Lean Six Sigma, where to get started (or build), why it works, and what the results have been for those who have already tried it.

It is intended to inspire, to provoke, and serve as a catalyst for change and growth. I hope to fuel curiosity, stimulate interest enough for people to experiment, and introduce new ways of thinking and collaborating so that people work even better together. If this facilitates the adoption of process improvement strategies in the legal space, I will have accomplished my mission. Ideally, this will help readers to engage in deep thinking, collaborative discussions, and decision making, which will be different for each team, group, department, or organization. We will ask ourselves the following:

- What needs to be done more efficiently, where, and why do we need to be more efficient? (Hint: think everything, everywhere, but not all at once.)
- How can we work even better together?
- How can we harness and unleash the power of teams?
- Can we create the right conditions for a cross-functional, diverse team to collaborate in an inclusive, practically fail-safe environment?
- How, when, and where would we start to learn or employ these concepts and tools?
- How might we use the methodologies and toolkits of Lean and Six Sigma?
- What are our drivers for improvement and innovation?
- How does continuous improvement support or become a key element or even the center of our culture or strategy?
- What are the specific applications, obstacles, and lessons learned from others that we can and should try?
- What results have been achieved by others and how do they help us imagine what is possible for us?
- What kinds of improvements have been made? How do they translate into benefits and for whom?

- In what ways do the framework and outcomes of process improvement help us change the conversations and enhance the experiences of our brand, employees, clients, referral sources, prospective clients, and others?
- How do we use process improvement and project management to respond to the pressures we are feeling and deliver greater value to ourselves and our clients?
- What competitive advantages can we develop by using Lean and Six Sigma and the other methodologies in this book?
- How might we assess our readiness and how can we figure out what will work for us?
- Where do we start?
- How do we design, build, test, and structure a process improvement or continuous improvement program? What resources do we need to do it right?
- What's next?

As Jordan Furlong wrote so many years ago:

*"Lawyers must accept and act upon a single new reality: we cannot continue to make a living in the law the way we used to... We must create sustainable cost advantages through adoption of technologies and processes."*¹

That thought is evergreen. Change is constant. As a profession and a business, law has progressed, no question, and it must continue to evolve. This book is offered to help and inspire the people who are responsible for ensuring the success of their organizations, both now and in the future. Those who ignore the opportunities that exist or fail to peek around the corner and prepare for what's there do so at their own risk. In contrast, those who seize them will not just survive, but thrive.

If that's not enough, they'll find and fulfill their purpose while operating at their highest and best use. They'll have fun along the way too, because improving processes is some of the best work anyone can do!

Reference

- 1 Furlong, J. "You say you want a revolution" blog post, 20 December 2013; see www.law21.ca/2013/12/say-want-revolution.

About the author

Catherine Alman MacDonagh is a legal pioneer and an award-winning innovator who serves as a catalyst for growth. She is driven to help people work even better together and assist organizations in developing elevated experiences and competitive advantages. She is known for consistently introducing groundbreaking, first-to-market offerings to the legal industry for more than 30 years.

A Legal Lean Sigma® Black Belt, certified Six Sigma Green Belt, and Accredited Partner of the Smart Collaboration Accelerator, Catherine is the CEO and a founder of the Legal Lean Sigma Institute, which remains the first and only company to provide process improvement and project management certifications, courses, and workshops designed specifically for law.

Catherine created Legal Lean Sigma® to bridge the concepts employed so successfully in manufacturing for more practical and relevant applications to the unique aspects of the legal industry. She also invented both the multi award-winning Legal WorkOut®, a collaborative method of engaging in process improvement that delivers rapid results and harnesses the power of diverse, cross-functional teams, and Legal Lean Sigma Design Thinking™, an amalgamation of methodologies and tools that unleashes creativity and produces innovative products and approaches.

She is an accredited partner of the Smart Collaboration Accelerator, which was designed to address the reality that our complex problems require experts to integrate their knowledge in order to generate higher-impact solutions than anyone could produce on their own.

Catherine is an adjunct professor at Suffolk Law School where her PI/LPM course is a requirement of the Legal Innovation and Technology concentration. She is a frequent guest lecturer at other academic institutions and a highly rated keynote and presenter at retreats and industry events.

Catherine also offers coaching, training, and strategic planning consulting services through her practice, FIRM Guidance, and is the chief enthusiasm officer of Mocktails LLC, which offers training programs with a completely novel and experiential approach to networking training for lawyers (and everyone else).

Catherine is also a founder of the Legal Sales and Service Organization, which has presented the annual RainDance Conference since its launch in 2003 as well as coveted sales and service awards.

A serial entrepreneur from her childhood days, she is an idea factory who thinks that curiosity, “trying things”, and resiliency are vital. They are also keys to becoming a learning organization and fostering a culture of continuous improvement. Her early experiences in improv, theater, and working as a summer camp counselor allowed her to develop unique skills that are invaluable in working with professionals, especially in a legal environment.

She is a member of the Association of Legal Administrators and has served on the Professional Development Advisory Committee and the Standards Review Committee, where she contributed to the development of the Uniform Process Based Management System’s standard code set. She has a long service history with the Legal Marketing Association, which elected her to the Hall of Fame, the association’s highest honor, and was on the International Board, Northeast Regional Board, and the LMA New England Chapter Board of Directors, where she was president for two terms. She was also co-chair of the Education and Sponsor Relations Committees, Annual Conference Advisory Committee, and has been on many task forces.

She is committed to volunteer work and is active in her communities, including serving as the first president of her HOA. She supports the work of HALO Havanese Rescue, a non-profit that rescues, rehabilitates, and rehomes Havanese dogs in need. She is a volunteer chef for Lasagna Love, and helps fulfill the mission to feed people, spread kindness, and strengthen communities. A suicide loss survivor, Catherine is committed to removing the stigma around depression and in preventing suicide. Her work in this area includes more than five years of service on the American Foundation for Suicide Prevention Greater Boston Board.

Catherine lives in Bonita Springs, FL, USA. She enjoys spending time with her family (of two and four legs) and friends, and smart, nice people.

About the Legal Lean Sigma Institute

The Legal Lean Sigma Institute, LLC (LLSI) is the first and only organization to develop and bring to legal and business professionals in firms, offices, and departments a comprehensive set of process improvement (PI) and project management (PM) certification courses, training programs, and consulting services specifically designed for the law. LLSI holds a registered trademark in the term Legal Lean Sigma?.

Legal Lean Sigma Institute faculty and consultants have worked on process improvement projects and delivered courses and programs all over the world for thousands of leaders in the legal profession, both privately and publicly.

In addition to visiting scholars, the LLSI Scholars in Residence include:

- Catherine Alman MacDonagh, JD, LLS Black Belt
- Mo Zain Ajaz, MBA, LSS Yellow Belt
- Ronna West Cross, JD, LLS Green Belt
- Frederick J. Esposito, Jr., MBA, CLM, LLS Green Belt
- Scott R. Jablonski, Esq., LLS Yellow Belt
- Jessica McBride, MBA, PMP, LSS Green Belt
- Jerry Rosenthal, MBA, LSS Master Black Belt
- Audrey Rubin, JD, LSS Yellow Belt
- Kyla Sandwith, JD, Masters in Law Firm Management, LSS Yellow Belt