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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

Foreword

By Jordan Furlong

Whenever I'm meeting with the senior leadership or executive team of a law firm, a question that's always fun to ask is, "Who's your most productive lawyer?"

Invariably, the response to that question is something like, "Well, that would probably be Bob (or whomever). He billed (some staggering number of hours) last year and brought in (some equally breathtaking amount of money) as a result."

And that's my cue to say, "I didn't ask who was your highest-billing lawyer. I asked who was the most productive." And I go on to explain that there are several ways for a lawyer to contribute value to the firm and its clients, and generating a metric ton of billables is only one way to do it (and far from the healthiest).

I go through this exercise to help the leadership team understand that the way law firms define "productivity" is ridiculous and archaic. In the rest of the business world, productivity in its simplest form refers to the output (usually goods and services) that can be generated from a given set of inputs (primarily labor, capital, and resources).

Productivity is a measure of both the efficiency and the effectiveness of your business's production and workflow systems. The higher your productivity, the more "bang for your buck" you're getting – and the more your profit can increase.

Not in law firms, though. Productivity in this sector has been measured purely by volume of input, and there's only one type of "input" – the time and effort of lawyers. The most sophisticated industry reports produced by the most advanced legal information companies today routinely refer to a firm's "productivity" as the number of lawyer hours that are recorded, billed, and/or collected, depending on the measurement.

Among the many disadvantages of this approach, two in particular have long stood out. The first is that time-based productivity discourages effi-

ciency innovations. If you are rewarded for hours billed, and someone develops a way to get an hour's worth of work done in ten minutes, you'll regard it as a threat rather than as a benefit. This is a big reason why law firms have lagged terribly in technological adoption.

But the other disadvantage of time-based productivity is even more acute – it places a hard ceiling over the law firm's profits. I don't care how many Bobs you have in your office or how many thousands of hours they can bill, there are physical limits to how many hours a lawyer can work and there are metaphysical limits to how many hours each day provides (24, last I checked).

A lawyer who takes an hour to deliver a service and bills \$500 for their effort generates \$500 of revenue in that hour. A lawyer who uses technology and systems to deliver six services in an hour, at a flat \$250 for each service, generates \$1,500. Which of these approaches seems better to you?

If you're reading this book, I already know which looks better to you. Either you're open-minded and curious about the advantages (financial and otherwise) of process improvements like Lean Six Sigma, or you've already bought into the concept and now you want to know how to make it work for your firm.

Either way, you're ahead of a very important curve – the productivity curve that's bearing down fast on the legal industry and will strike hard when it arrives. And the herald of this curve is Generative AI.

Gen AI – whether accessed through frontier model providers like OpenAI, Anthropic, or Google, or through legal-industry providers like WestLaw, Lexis, or vLex – is going to revolutionize productivity in the legal sector. Combined with non-AI automation and other technological advances, it's going to strip most of the value from time-based revenue models and force law firms to redefine what productivity means.

But technology, by itself, won't be enough to create a competitive edge for you. There might be benefits to early AI adoption, but within five to ten years, everyone will have roughly the same access to these tools. Your competitive advantage will come down to precisely how you reconfigure your own production system to take advantage of them.

And that's where this book really comes into play. Catherine Alman MacDonagh has updated her definitive guide to how law firms and legal businesses can use Lean Six Sigma and other process improvements to gain lasting competitive advantages and profitability enhancements. Myriad success stories and case studies, updated for this second edition, show how these methods are working in real-world legal settings.

By seizing the opportunities presented by process improvement methods, you can crank up your legal business' productivity to previously unseen levels, fulfill your business' potential, and deliver lasting value gains to your clients, your colleagues, and yourself.

Law firms that employ these tools and approaches now will see real benefits right away. But in the medium- and long-term, they also will protect themselves against the tsunami of disruption AI will bring. They'll begin the critical transformation of legal business models away from time-based productivity and towards, simply, productivity.

Who is your most productive lawyer? That's the wrong question. Ask yourself instead, "How productive, in every sense, is my entire legal business – and how can I make it even better?" The answer to those questions begins on the very next page.

Introduction

History – the creation of Legal Lean Sigma

I've always been good at organizing things and people, but my first real process improvement project might have been in an office, where I worked as a secretary during my high school years (I also was a summer camp counselor, which is more helpful than I would have guessed). After listening to the five people with whom I worked complain about how frustrating and disorganized it was, and how they wished it was set up, I completely overhauled the filing system. It was a big project, but everyone was very happy with the result.

My initial exposure to the practice of law was as a paralegal intern at the Legal Services Office at the University of Massachusetts at Amherst, where I handled consumer protection and landlord tenant cases. Paralegals were supervised by excellent lawyers, and we were extremely hands-on. We had significant responsibilities, such as intake and communicating with clients, drafting and sending demand letters, handling responses, and so forth. It was a great experience and the catalyst for convincing this former theater student to switch to a Legal Studies major and then go to law school.

That office served many students and was incredibly well managed and well run by smart, nice people who were extremely committed to the work we were doing and to teaching us too. It was a great culture. Like most people with limited knowledge of legal environments and how law offices are run, I did not fully appreciate the excellent law practice management or how many efficient processes were in place at the time. Certainly, I did as my career progressed.

My interest in finding ways to be more efficient and for people to work better together in a legal environment took root after I graduated law school in 1990. I worked as a corporate counsel in the law department of an insolvent insurance company. We represented the estate, meaning the policy holders. It was complex work that involved every state's Attorney General's Office and Department of Insurance, other insurance companies that held excess policies, reinsurance companies, and some massive cases, including large loss property and casualty and significant environmental matters.

This was before the internet was born and we did not have the ability to send files electronically the way we do now – because external email wasn't used then. Everything was so paper intensive. Fax machines were the fastest way to send things. Document productions involved Bates stamping thousands of pages. The way law was practiced in real life was perplexing. It was truly astonishing to discover that we, the client, were billed hourly by the law firm doing our work. How could it be that the longer the work took, the more our outside counsel got paid? This approach was so obviously misaligned with our goals, which included paying out as much as we could to our policy holders (not our law firm).

Because of this early experience practicing law, I would forever look at how legal work was performed and delivered from the client's perspective. As a business professional in several law firms, I learned more about how law firms operate, and my understanding and perspective expanded. It is somewhat obvious to state, but it's challenging to fully appreciate and empathize with someone if you haven't had the experience yourself. I saw a lot of missed connections, miscommunications, and misalignment, even though nearly every person I worked with really cared a lot about doing a good job and being a great teammate.

This made me curious about how to bring people together to make things better for all of us. Because of my work with client teams, I was already accustomed to working with a cross-functional team. Because I had been "Flannerized" by a man who later became a friend and who is remembered by many as the grandfather of legal sales, Bill Flannery, I also had an appreciation for diversity – different personality types, communication styles, experiences, etc. – and how important an element that was to leverage for a high functioning, high performing team.

Research led me to process improvement. While earning a Green Belt Certification in Six Sigma, I struggled, not only because I had to manually calculate standard deviation to pass, but because I could not quite articulate the connection between what I was learning and the realities of law. I understood intellectually that the concepts of controlling variation to produce greater predictability, reduce errors, and so forth applied to legal, but it took me nearly a year to bridge what I had learned in the safety of the classroom to something that was useful to my work as a director of business development in a law firm.

I continued to research and experiment. After finally trying some things in areas where there was a lot of repeatability (such as estate planning and

trust operations), I finally figured out that adding the key ingredient of Lean to the mix was critical. I kept mentioning to my friend Wendy Duffey (in between discussions about the Boston Red Sox) that someone really ought to start teaching process improvement in the legal space. She finally said, “You keep talking about this, why don’t YOU do it”.

There was an undeniable gap in the marketplace, and I do love a challenge. One thing led to another and, thanks to Wendy’s introduction, in 2008, I began to work with an expert who possessed deep experience in process improvement in various applications and industries all over the world – just not in legal. My goal was to design and deliver educational programs that taught process improvement in contexts that would be immediately relevant and useful to lawyers and the business professionals who work with them. The idea was novel and the approach and content so unique that the USPTO granted the application for a trademark in Legal Lean Sigma.

The first Legal Lean Sigma programs were offered in 2007 under the umbrella of the Legal Sales and Service Organization (LSSO), which was launched in 2003. With the support of my dear friends and LSSO partners, Silvia L. Coulter and Beth Marie Cuzzone, we unveiled our first White Belt certification course at the annual LSSO RainDance Conference. Very quickly, the success of those endeavors, combined with almost immediate interest in consulting services, created a need for a separate business structure. In 2010, the Legal Lean Sigma Institute LLC was formed.

In the same year, we began teaching our two-day Yellow Belt certification course as adjunct faculty at George Washington University’s Master’s in Law Firm Management program. This gave us the opportunity to introduce our take on process improvement to seasoned, accomplished professionals – lawyers, administrators, marketers, IT, HR, and finance students both learned and taught us about the application of process improvement in various legal settings. It demonstrated that these methodologies were scalable and applicable to any legal or business process in any size of organization.

In 2013, faculty were added and in 2014, LLSI expanded the certification offerings by including another option, which was completely unique to the legal profession – a combined process improvement and project management program. Tim Corcoran was instrumental in designing, developing, and teaching that content.

As of this writing in 2024, LLSI has delivered hundreds of White Belt and Yellow Belt certification courses, facilitated process mapping workshops, developed its own unique approaches to doing process improvement work,

won awards for its groundbreaking methodology, the Legal WorkOut, helped organizations develop their architecture and programs, and led, facilitated, and supported legal and business process improvement projects all over the world. It has been awesome.

We have designed custom curricula and tailored programs, delivered keynotes, and certified and coached leaders in many different legal settings. Truly, the scalability and flexibility factors are astounding. Interestingly, our certification courses were routinely approved for continuing legal education credit from the very beginning – that is no small thing, considering that law practice management was just beginning to show on the legal radar when we first started.

Our consulting practice encompasses the full spectrum of services associated with introducing, developing, and implementing process improvement programs, including operational excellence assessments, strategy work, organizational development, and curriculum design and delivery.

We love what we do – and we really enjoy working with the talented, caring, driven, intelligent people that law seems to attract. More organizations than ever are offering privately delivered certification courses in their offices or remotely for their employees and clients. We have found there simply isn't a better experience than learning and working together as a team to make things better for everyone.

What we have discovered is that relationships deepen when we provide a framework for having structured conversations. Employing process improvement in law supports a culture of being truly client focused. Those who know understand that the best learn as they go and apply those lessons to improve all the time.

This philosophy explains why the Legal Lean Sigma Institute team members are not just faculty – we are scholars. We are learned experts, not only from our studies and experiences, but by improving all the time and gaining mastery through practice and continuous learning. We have found that legal and business professionals possess the characteristics and attributes that make them particularly well suited for process improvement work.

Once you know more about process improvement and what it can do, I hope you'll be eager to experience how transformative and powerful it is.